UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/46/458
25 September 1991
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Forty-sixth session
Agenda item 84 (b)

SPECIAL ECONOMIC AND DISASTER RELIEF ASSISTANCE:
SPECIAL PROGRAMMES OF ECONOMIC ASSISTANCE

Implementation of the Special Plan of Economic Cooperation for Central America

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 5	3
II.	THE MACROECONOMIC FRAMEWORK	6 - 11	3
III.	IMPLEMENTATION OF THE SPECIAL PLAN	12 - 17	5
IV.	EMERGENCY PROGRAMMES	18 - 24	6
	A. Assistance to refugees, returnees and displaced persons	18 - 23	6
	B. Food aid	24	8
V.	PROGRAMME OF IMMEDIATE ACTION	25 - 28	8
	A. External debt	26	8
	B. Financing to reactivate the Central American Common Market and reduce temporary imbalances in countries' balance of payments	27 - 28	9

CONTENTS (continued)

		Paragraphs	Page
VI.	ECONOMIC REACTIVATION AND SOCIAL DEVELOPMENT	29 - 57	9
	A. Industrial rehabilitation and reconversion	29	9
	B. Agricultural development	30 - 33	10
	C. Trade concessions	34 - 36	11
	D. Physical infrastructure	37 - 39	11
	E. Investments in the energy sector	40 - 41	12
	F. Social investments	42 - 47	12
	G. Promotion of micro-, small- and medium-sized businesses	48 - 49	13
	H. Food security	50 - 51	13
	I. Tourism	52	14
	J. Environment	53 - 56	14
	K. Central American Bank for Economic Integration	57	15
VII.	INSTITUTIONAL ASPECTS AND MANAGEMENT CAPACITY	58 - 65	15

I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolutions 42/231 of 12 May 1988, 43/210 of 20 December 1988, 44/182 of 19 December 1989 and 45/231 of 21 December 1990.

2. The Special Plan of Economic Cooperation for Central America initiated its activities in September 1988 in response to General Assembly resolution 42/231. The purpose of the Special Plan is to promote international and regional cooperation in support of peace, democracy and development in Central America.

3. The past 12 months witnessed progress in the democratization process in the subregion. Three Governments assumed office through democratic elections, and important efforts are under way to resolve armed conflict through negotiations. There is a resurgence of interest in seeking regional solutions to shared problems in both political and socio-economic areas, as exemplified in the presidential summit meetings held in Antigua, Guatemala (June 1990), Puntarenas, Costa Rica (December 1990) and San Salvador, El Salvador (July 1991). The new Central American agenda opens new challenges and opportunities for the Special Plan, as well as for other international cooperation initiatives aimed at the subregion as a whole.

4. Nevertheless, barriers to the consolidation of democratic processes still need to be overcome. Emergency and long-term problems affecting uprooted populations must be resolved. The commonly pursued and necessary stabilization and adjustment programmes have yet to generate broad-based sustained and sustainable economic recovery. Urgent solutions must be implemented to reduce poverty levels, particularly those affecting the most vulnerable groups.

5. This situation, as well as the progress achieved in implementing the Special Plan, prompted the General Assembly to extend the Plan for an additional three-year period beginning in 1991 (resolution 45/231).

II. THE MACROECONOMIC FRAMEWORK

6. The evolution of the Central American economies was characterized by different degrees of recession and macroeconomic disequilibria during 1990. Macroeconomic imbalances persisted in all the countries that were affected by a deterioration in terms of trade, which was particularly strong in Costa Rica and El Salvador. Those imbalances were coupled with growing fiscal deficits and the burden or uncertainty associated with servicing the external debt. The disequilibria manifested themselves in an increase in inflation in all the countries, with the exception of El Salvador, and in the growth or persistence of high deficits in the resource balance and in the current account of the balance of payments.

7. In Honduras and Guatemala, the pressures generated by growing fiscal gaps, reinforced by variations in the exchange rates, had serious consequences and resulted in levels of inflation without precedent in the recent history of those countries. The Nicaraguan economy reflected a surge of hyperinflation (associated with a considerable fiscal deficit and with the existence of various mechanisms of indexation), combined with the uncertainty resulting from the process of transition towards a more decentralized economy. In addition, the instability of the economic situation and, in some cases, the uncertainty stemming from political events contributed to a decrease in investment in all the countries, with the exception of Costa Rica.

8. Given the external financial disequilibria, the authorities in the countries of the subregion persisted in their efforts to renegotiate the external debt. In 1990, Costa Rica signed a debt renegotiation agreement with commercial banks within the general framework of the Brady Plan, and El Salvador and Honduras became beneficiaries of the new Houston terms for renegotiation of the bilateral official debt applicable to low-income developing countries.

9. The gross domestic product (GDP) of the Central American countries only increased 2 per cent, a rate lower than in 1989. The rate of growth decreased in all the countries, with the exception of El Salvador, which registered an important reactivation after several years of economic stagnation. Both consumption and investment decreased in Honduras and Nicaragua, without being compensated as in El Salvador, by export growth. In Honduras, GDP registered the first fall in recent years, and in Nicaragua it both decreased for the seventh year and was more pronounced than in 1989. It is noteworthy that the value of total exports increased for all the countries. The growth of non-traditional exports was particularly important in El Salvador, Guatemala and Honduras, as was growth of traditional exports in Nicaragua and El Salvador.

10. The growth of the different productive sectors was uneven. The decline in the price of coffee, one of the main products of the subregion, had a negative effect on the value of exports, although overall agricultural production for export showed positive behaviour. With respect to basic grains, El Salvador, Honduras and Guatemala registered production increases, while other countries of the subregion experienced a contraction. Particularly important were the losses in Nicaragua's corn and bean harvests due to weather irregularities. Those losses demanded the implementation of an emergency plan to address the needs of the areas most affected. Central America's manufacturing sector, which showed a performance that was, in general, poorer than that of other economic sectors, had been affected by the reduction in domestic demand, particularly in consumption in Honduras and in Nicaragua. In general, lower or negative rates of production growth coincided with an increase in unemployment in the majority of the countries of the subregion. At the same time, real minimum salaries fell in El Salvador and particularly in Guatemala.

11. Progress achieved in the democratization process, as described above, may bring about a reduction of uncertainty in future years, with positive consequences for investment and regional growth. Developments may also be strengthened through (a) implementation of the agreements on regional cooperation and integration that were formalized during 1991 with the adoption of the Central American Economic Plan of Action (A/44/958, annex) and (b) the decisions made at the presidential summit meetings.

III. IMPLEMENTATION OF THE SPECIAL PLAN

12. The implementation of the Special Plan has proceeded according to the objectives and orientations established by its coordinating mechanisms, which involve the five Central American Governments, regional integration institutions, the United Nations Development Programme (UNDP), the Economic Commission for Latin America and the Caribbean (ECLAC) and other international organizations, as well as cooperating Governments. Considering that the implementation of the Special Plan had made it possible to work out new joint strategies for economic and social development and had deepened the regional peace and democratization process, as reflected in the Central American Economic Plan of Action, which emerged from the summit meeting held at Antigua, Guatemala, in June 1990, the General Assembly decided, in its resolution 45/231, to extend the Special Plan for an additional three-year period, as mentioned above. In response to the request made by the Central American countries, the Governing Council of the United Nations Development Programme (UNDP), earmarked an additional $US 20 million from special programme resources (SPR) needed to finance UNDP-led programmes and projects related to the promotion, execution and coordination of the Special Plan during the fifth programming cycle, which will be initiated on 1 January 1992.

13. Several elements were taken into consideration in revising the strategy framework of the Special Plan and in defining its sectoral/thematic priorities. They included the evolving international context and its effects on official development assistance (ODA) flows to the subregion, the result of the Central American presidential summit meetings at Antigua (June 1990) and Puntarenas (December 1990), the meeting of the presidents of the Central American countries and of Mexico in Tuxtla Gutiérrez, Mexico (January 1991), and an assessment of progress achieved in the implementation of the Special Plan. The new guidelines, which were discussed with the Central American Governments, will orient implementation of the Special Plan during the period beginning in mid-1991.

14. The revised strategy of the Special Plan includes the continuation of activities already initiated in the areas, inter alia, of refugees, returnees and displaced persons; agricultural development; infrastructure (electricity, telecommunications and road networks); tourism; and strengthening of subregional and national institutions.

15. The revised strategy incorporates three new priority areas: social development; environment and sustainable management of natural resources; and

the private sector. It also includes, as a general objective, activities aimed at capacity-building of governmental and subregional organizations. Both ongoing and planned activities are in support of the subregional goals and priorities decided by the Central American presidential summit meetings and in the Central American Economic Plan of Action as recommended in General Assembly resolution 45/231.

16. Since the launching of the Special Plan, 58 technical assistance projects, totalling $US 138.4 million, have been approved or have reached the final stages of approval. Of this amount, $16.2 million correspond to approved projects financed from UNDP special programme resources; $8.7 million from SPR funds are earmarked for pipeline projects awaiting immediate approval. The balance reflects co-financing sources or parallel financing modalities. Tables 1, 2 and 3 show the status of project approvals as at 31 August 1991.

17. In addition to the projects mentioned above, a large pipeline of technical cooperation projects is under consideration by the Central American Governments and UNDP. Decisions will be made in connection with different sources of financing, including special programme resources. It is noteworthy that under the Special Plan, portfolios of investment and technical cooperation projects were formulated for an approximate $2,320 million in external resources. The presentation of those portfolios to sectoral/thematic meetings with cooperating Governments and institutions resulted in pledges amounting to $312 million. Details concerning project portfolios corresponding to the period under review appear in the relevant sections below.

IV. EMERGENCY PROGRAMMES

A. Assistance to refugees, returnees and displaced persons

18. The emergency programme provides assistance to populations uprooted by conflicts in the subregion. The Central American countries, Belize and Mexico, together with the international community, launched a three-year Plan of Action at the International Conference on Central American Refugees (CIREFCA), held in May 1989 in Guatemala City. The Plan of Action was ratified by the follow-up committee of CIREFCA in its meeting held in New York in June 1990 and continues to be implemented as an ad hoc mechanism of the Special Plan. At the meeting, the seven countries affected by the problems of uprooted populations presented to the international donor community 59 priority projects requiring external financing, totalling $165 million. During the meeting, donors made pledges totalling $98 million. Between July 1990 and July 1991, 33 projects obtained total or partial financial support.

19. CIREFCA constitutes a frame of reference for mobilizing additional resources. It is estimated that $89 million have been contributed to (a) projects other than those presented at the meeting, which were formulated or reformulated in relation to the principles of the Plan of Action, and

covered geographical areas or sectors within the priorities established at CIREFCA, and (b) the financing of follow-up activities.

20. The International Support and Verification Commission (CIAV), established at the request of the Central American presidents by the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to assist in the demobilization of members of the Nicaraguan resistance and their families, has contributed to the implementation of urgently needed solutions to that important issue. Contributions to CIAV have amounted to $45.5 million, of which $22.4 million are being administered by the Office of the United Nations High Commissioner for Refugees (UNHCR) for voluntary repatriation from Honduras and Costa Rica and resettlement in Nicaragua of a beneficiary population of over 61,000 persons.

21. On the basis of (a) its concrete support to the solution of problems affecting uprooted populations in Central America, Belize and Mexico and (b) follow-up mechanisms put into effect, it may be said that CIREFCA has played and continues to play an important role in the process of consultation and coordination among interested parties and has contributed to the creation of a non-politicized humanitarian mechanism that is an important tool in efforts undertaken to consolidate peace in the subregion.

22. In response to requests by the Central American Governments and the international community, UNDP continues to give its support to the implementation of the Plan of Action, in coordination with the Office of the United Nations High Commissioner for Refugees. The joint UNHCR-UNDP follow-up unit of CIREFCA evaluates the level of implementation of the Plan of Action on an ongoing basis, identifies new needs according to the evolution of the subregional situation, performs coordinating activities in relation to donors and non-governmental organizations and provides technical support to Governments in the formulation, execution and follow-up of their respective national plans. The follow-up mechanism works closely with those national mechanisms foreseen in the Plan of Action, such as national committees where policies and strategies are defined at the country level and support groups that carry out information and consultation functions with donor countries, agencies and non-governmental organizations.

23. The first phase of the Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE), which is one of the main components of the CIREFCA Plan of Action, has been under full implementation since November 1990, with an indicative budget for 1991 of $31.2 million. The Programme is financed by the Government of Italy and managed by UNDP, with the participation of the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation (ILO) and the World Health Organization (WHO)/Pan American Health Organization (PAHO), as well as with the support of the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Volunteers programme (UNV) and the World Food Programme (WFP). The Programme, which will benefit more than 170,000 persons directly and 300,000 indirectly in 17 areas of intervention in the five Central American countries and Belize, aims at improving living conditions by focusing on community development, economic and social

infrastructure, skills training, credit, diversification of production and support to marketing.

B. Food aid

24. International cooperation to reduce the shortage of food supplies in the Central American subregion, for both emergency needs and those caused by long-term structural factors, is an important component of the Special Plan. The World Food Programme's annual shipments of food for development projects increased from approximately 28,900 tons in 1989 to 59,755 tons in 1990. In 1990, World Food Programme expenditures on assistance to Central America and Panama totalled $34.8 million, excluding expenditures on WFP support and administrative costs. WFP also provided additional assistance aimed at enhancing the capacity of Governments to implement development projects. Food aid for projects has been mainly directed towards support of agriculture and rural development and human resources development.

V. PROGRAMME OF IMMEDIATE ACTION

25. One of the main concerns of the Special Plan is reduction of the financial constraints hampering the economic reactivation and long-term development of the subregion. Two problem areas were identified as requiring immediate action: (a) the external debt and (b) financial requirements for reactivating the Central American Common Market and bridging temporary imbalances in the countries' external accounts.

A. External debt

26. Since external debt negotiations have been proceeding on a country-by-country basis, the United Nations Development Programme has assisted this process through its regular programme. At the subregional level, within the Special Plan a UNDP-financed project executed jointly by the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Conference on Trade and Development (UNCTAD) supported the installation of computerized systems for handling data related to the debt in each Central American country. Another project proposed technical alternatives for alleviating the problem of the intraregional debt stemming from the accumulation of trade imbalances in past years. The proposals were presented to the financial authorities through the Central American Monetary Council (CAMC).

B. Financing to reactivate the Central American Common Market and reduce temporary imbalances in countries' balance of payments

27. Implementation of the subregional payments system sponsored by the European Economic Community (EEC) and agreed upon with the Central American Governments during the Dublin Ministerial Conference on Political Dialogue and Economic Cooperation between the European Community and its Member States, the countries of Central America and Panama, and Colombia, Mexico and Venezuela as Cooperating Countries (also known as the San José VI Conference, held in Dublin, in April 1990, began at the end of 1990. EEC allocated liquid assets amounting to 120 million European currency units (ECU) to contribute to the reactivation of intraregional trade flows. An addendum protocol to facilitate implementation of the system was signed in El Salvador on 3 July 1991. EEC also decided to contribute ECU 30 million to create a special fund, to be managed by the Central American Bank for Economic Integration (CABEI), that would strengthen the export capacity of two countries affected by chronic deficits in the balance of trade - namely, Nicaragua and Honduras.

28. Consultations continue on the resource endowment required to strengthen the Central American Monetary Stabilization Fund (FOCEM) and thereby enable it to correct temporary imbalances in the countries' balance of payments. Those consultations are based on the reforms of FOCEM, as recommended by a UNDP-funded project of assistance to the secretariat of the Central American Monetary Council. Recommendations have been approved by the central banks of the subregion.

VI. ECONOMIC REACTIVATION AND SOCIAL DEVELOPMENT

A. Industrial rehabilitation and reconversion

29. A UNDP-financed project, implemented by ECLAC in collaboration with the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA), assessed the problems affecting key industrial branches and their technical cooperation needs in close dialogue with the private sector. The final report was distributed to the countries in October 1990. Based on the results of this first stage, the Central American Governments requested a technical mission to analyse the prospects of industrial development in the subregion from a broader perspective, including that of macroeconomic policy, as well as in terms of financial-, technological- and trade-related aspects and existing institutional capacity in order to prepare a large-scale technical assistance programme of action. A mission led by the United Nations Industrial Development Organization (UNIDO) and financed by UNDP began field activities in August 1991 in response to that request.

B. Agricultural development

30. The project entitled "Regional unit for technical assistance" (RUTA II) continues to be implemented by the World Bank with financing from UNDP, the Government of Japan and the International Fund for Agricultural Development (IFAD), in addition to a contribution in kind provided by the Inter-American Institute for Cooperation on Agriculture (IICA). The project aims at capacity-building by strengthening national technical units within ministries of agriculture in the areas of preparation of sectoral studies, analyses of investment policies and programmes and formulation of national and regional investment projects. A mid-term evaluation mission by international consultants showed the positive results of this project in terms of sectoral policy-making, implementation of sectoral loans by international development banks and preparation of investment projects. The project also analysed food-supply needs, particularly of lower-income population groups, and recommended actions aimed at incrementing production of basic grains by small- and medium-scale farmers. Other project activities were undertaken in relation to external aid coordination and training needs.

31. It is estimated that in the near future RUTA II will utilize $806 million of external resources mobilized for the subregion. The project has played a decisive role in generating approximately $460 million, of which $128 million correspond to sectoral and structural adjustment loans assigned by development banks, $242 million to investment projects and $89 million to the financing of activities in social areas. An extension of the project incorporating Panama for the period 1992-1993 will be financed by UNDP and IFAD, Japan and the Inter-American Development Bank.

32. At the request of ministries of agriculture, and with the participation of subregional institutions in the agricultural sector, a project financed and executed by UNDP to assist in the preparation of a portfolio of investment and technical cooperation project profiles in eight different agricultural subsectors at the regional or national levels was finalized. The portfolio included projects requiring $583.9 million in external financial resources. The technical documentation was presented at the agricultural sector with cooperating governments and institutions held in Managua, on 11 and 12 April 1991. UNDP will provide follow-up technical assistance to the Central American Governments and Panama, focusing on projects for which potential donors expressed interest at the Managua meeting.

33. The Special Plan also supports the Trifinio Plan, a three-country initiative involving Guatemala, Honduras and El Salvador, that will generate investment and technical assistance proposals for regional and border development in zones characterized by scarce resources. The project is in collaboration with the Tri-National Technical Secretariat and involves the participation of CABEI. The terms of reference have been prepared and it is expected that execution of the project will start very soon under the responsibility of IICA.

C. Trade concessions

34. Trade activities of the Central American countries continue to receive the support of the Special Plan through the UNCTAD-executed project that aims to rationalize, simplify and harmonize trade statistics and establish an information system to facilitate trade flows. The project has allowed customs agencies in the subregion to improve their procedures through the installation and utilization of an automated system for customs data, known as the ASYCUDA automated system, and it has promoted coordination mechanisms at the subregional level and provided the required training of personnel. An extension of this project will allow the further automation of procedures related to export activities through the "single window" system.

35. The Central American countries, individually or at the subregional level, negotiate, or benefit from, various preferential agreements with other countries and the European Economic Community. A UNDP-financed, UNCTAD-executed project provides training and technical assistance for the negotiations that the countries undertake in relation to the Uruguay Round of multilateral trade negotiations. A second phase of the project has been approved to allow for the continuation of those activities during the extended period of the Uruguay Round.

36. Other project proposals concerning trade policies, export strategies and export promotion, as well as negotiations in other trade forums, are under consideration by the Central American Governments and UNDP.

D. Physical infrastructure

37. UNDP has financed the implementation of projects related to the priorities established in the Central American Economic Plan of Action within the framework of the Special Plan. Two projects reflected in the last report were finalized with the additional objective of mobilizing resources for key sectors.

38. In the area of telecommunications, a UNDP-financed project was executed by the International Telecommunication Union (ITU), in close collaboration with the Technical Commission for Telecommunications in Central America (COMTELCA) and CABEI. One of its results was the preparation of a portfolio of investment and technical cooperation project profiles requiring $518 million in external resources to reduce present deficits and to expand telephone services in the Central American isthmus by 600,000 lines, which represents an increase of 60 per cent existing capacity. A rural-urban programme, a metropolitan programme and a third concerning replacement and maintenance of present stock are contemplated. The technical documentation was presented at the sectoral meeting with the cooperating community held in Tegucigalpa, Honduras, in June 1991 according to established procedures of the Special Plan. Different expressions of interest were received by potential donors during the meeting, and sectoral government authorities and COMTELCA will receive UNDP support for follow-up activities.

39. Another UNDP-financed project was implemented to assist the Central American Ministries of Transportation and SIECA in the preparation of a portfolio of road network investment and technical cooperation project profiles. The technical documentation calls for an assistance of $345 million for the first stage of the investment programme, covering 1,351 kilometres. Support was also given to Governments within the framework of the Special Plan in their negotiations with interested donors in the subregion and in capitals, especially regarding financing of the main intraregional transport corridors.

E. Investments in the energy sector

40. The previous report contains a description of the activities undertaken under the project entitled "Institutional development and regional electrical integration of the Central American isthmus" (DIEICA I), which was implemented by the World Bank in collaboration with ECLAC and the electricity companies in the subregion. Those companies proceeded with negotiations according to the pledges made and the interest expressed by donors at the First Meeting of the Governments of the Central American Isthmus with Cooperating Governments and Institutions on the Electrical Sector, which was held in San Salvador, El Salvador on 3 and 4 April 1990.

41. A second phase of the technical assistance project (DIEICA II), also financed by UNDP, initiated its activities in September 1990. The project aims to improve the administrative and financial efficiency of the electricity companies in six priority areas, including planning and engineering, operation and production, administration and finance, marketing and human resources training. The result will be a portfolio of technical assistance projects, with the corresponding terms of reference, that mobilizes resources aimed at enhancing the capacity of utilities companies to achieve their modernization goals.

F. Social investments

42. This area is deemed a top priority in the recently revised strategy of the Special Plan focusing on social development and compensation for the negative impact of economic adjustment programmes on vulnerable sectors of the population.

43. A UNDP-financed preparatory assistance project is being implemented to design a programme of technical assistance to alleviate poverty in Central America. The project is being executed by the World Bank, with the participation of WHO/PAHO and the Institute of Nutrition of Central America and Panama (INCAP). In consultation with government officials, the Inter-American Development Bank and other agencies, that project will produce a large-scale technical assistance project aimed at (a) strengthening the capacities of national technical units in the preparation, execution and evaluation of selected social sector programmes and projects and (b) providing training for the government experts needed by the end of 1991.

44. As an ad hoc mechanism of the Special Plan, within the health sector, subregional projects are being implemented within the framework of the initiative coordinated by WHO/PAHO, now called "Health and peace towards development and democracy". The Governments of the Central American isthmus assigned priority to projects prepared by the ministries of health, which were presented to the donor community at a meeting held in Madrid in May 1991 under different subprogrammes: sanitary infrastructure; health promotion and disease control; health and environment; and support to special groups.

45. As an important contribution to the process of democratization and improvement of health services in the subregion, the UNDP-financed PAHO-executed project called "Management of health services" is being implemented within the above-mentioned programme. It is expected that the project will be extended through 1992 at the request of the sectoral authorities.

46. UNICEF finances social projects at the subregional and national levels for the most vulnerable groups of the population. Project areas include primary health care, education for development, children in especially difficult situations and basic urban services.

47. Lastly, UNDP finances and executes, jointly with other international organizations, additional country-level projects aimed at the design and/or implementation of cooperation measures to reduce the social costs of adjustment programmes. Examples of such activities are the social investment funds established in El Salvador, Honduras and Nicaragua.

G. Promotion of micro-, small- and medium-sized businesses

48. The Committee for Action in Support of the Economic and Social Development of Central America (CADESCA) implements a programme for the promotion of micro- small- and medium-sized enterprises in the isthmus in coordination with subregional organizations and other efforts. It is expected that a bilateral donor will initiate a subregional project aimed at the development of micro-enterprises and complementing, inter alia, UNDP projects carried out at the national level in Honduras and Guatemala with the support of the Government of the Netherlands.

49. UNDP finances a subregional project in support of handicraft production and marketing activities through the Regional Enterprise for the Marketing of Central American Handicrafts (ERCAC). Operational and information systems have been put into effect and different training courses have been carried out.

H. Food security

50. Implementation of the UNDP-financed project executed by INCAP has continued during this period. The purpose of that project is to assist in transfer of technology for the production of enriched flour that will be used

to provide food to vulnerable groups. The result of the project will be a regional investment proposal for presentation to the donor community.

51. Several technical assistance project profiles on food production and food security were formulated and presented during the sectoral meeting with donors on the agricultural sector (Managua, April 1991), referred to in paragraph 32 above. Included were proposals for the creation of (a) a subregional food security committee building upon existing national institutions to achieve better coordination of efforts and (b) an information management system on food security.

I. Tourism

52. Three UNDP-financed projects initiated their implementation phases with the World Tourism Organization (WTO) in close collaboration with national authorities and the Secretariat for Central American Tourism Integration (SITCA). Those projects, in the areas of facilitation of tourism, human resources training and tourist resources in protected areas of the Central American isthmus, are aimed at ensuring sustainable development.

J. Environment

53. The environment and sustainable management of natural resources constitutes another priority area in the revised strategy. The Special Plan supports the activities of the Central American Commission on Environment and Development (CCAD), which was established by the Central American presidents at the end of 1989. UNDP approved a project to assist CCAD in defining a general subregional strategy, formulating an action plan and preparing the position that Central America will present as a subregion at the United Nations Conference on Environment and Development, to be held in Brazil in 1992. The project complements the efforts that the sectoral authorities undertake on the same issues at the national level.

54. In the area of forestry development and management, the Central American Governments and the interested donor community agreed that the international cooperation activities undertaken within the framework of the Tropical Forestry Action Plan for Central America will constitute another ad hoc mechanism of the Special Plan. The objectives of that Action Plan are to promote regional actions to decrease and reverse the process of forest destruction, to promote actions that will result in sustainable forestry development in Central America and to strengthen the subregion's institutional framework related to forestry. A portfolio of subregional technical assistance projects, amounting to $158.6 million, was presented to donors at a round-table meeting held on 5 and 6 September 1991.

55. A UNDP-financed preparatory assistance project in agro-forestry development is being implemented by the Food and Agriculture Organization of the United Nations (FAO). Complementary efforts will be made by the World

Bank and the Tropical Agricultural Research and Training Centre (CATIE) to evaluate the socio-economic feasibility of already implemented or ongoing projects aimed at soil conservation on hillsides and production diversification practices for the benefit of small farmers. On this basis, a large-scale subregional programme will be designed with a view to obtaining resources from the donor community.

56. A subregional programme on environment and health in the Central American isthmus (MASICA) has been launched within the overall initiative on health sponsored by WHO/PAHO. The funding requirements of the programme total $23.8 million for seven projects on health-related environmental issues, including exposure to pesticides, water conservation and quality, solid wastes, and industrial and vehicular contamination.

K. Central American Bank for Economic Integration

57. A UNDP-financed project has assisted the ad hoc committee of CABEI governors and the support group integrated by several interested donors in the redefinition of both the role of CABEI as a subregional development bank and its organizational structure so as to enable CABEI to perform its functions with greater efficiency. Three extraregional shareholders - Mexico, Taiwan Province of China and Venezuela - have decided to join the Bank. At their last meeting, on 3 July 1991, CABEI governors approved the main strategies and policies recommended by the technical assistance project regarding the general orientation of the Bank and its organizational structure. The management of the Bank has begun to implement the proposals. It is envisaged that CABEI, acting as a second-tier subregional bank, will increase the share of lending operations directed to the private sector and that the Bank's management will be strengthened so as to enable the Bank to increase its operations with efficiency.

VII. INSTITUTIONAL ASPECTS AND MANAGEMENT CAPACITY

58. The objectives of strengthening subregional capacities for development are addressed in different ways by the Special Plan. On the one hand, efforts are directed to strengthening subregional integration and cooperation among institutions, a priority established at the presidential summit meetings and the Central American Economic Plan of Action. On the other hand, activities are geared to institutional strengthening of government agencies and subregional organizations, as stressed in the recently revised strategy of the Special Plan. Finally, other activities are aimed at upgrading the capacity of the Central American Governments and subregional organizations to fulfil their responsibilities in implementing the Special Plan itself and in managing and coordinating international cooperation in general.

59. In addition to CABEI, several organizations for subregional integration and/or cooperation are receiving support from UNDP - namely, SIECA, CMCA, CCAD and the Central American Institute for Public Administration (ICAP). In response to one of the priorities of the Central American Economic Plan of

Action, UNDP is financing five high-level legal consultants who are examining the existing legal framework so as to make recommendations on policies aimed at fostering subregional integration. The project is being implemented by ICAP, which also receives UNDP financial support for activities related to the delivery of social services.

60. A project is being designed to support activities that SIECA will undertake in the near future to fulfil the role that it has been assigned by the Central American Governments in the areas of harmonization of economic policies, integration and international trade. Additionally, SIECA has received UNDP support in its role as technical secretariat of the intra-Central American decision-making mechanism on the Special Plan.

61. The Central American Monetary Council (CMCA) is receiving UNDP assistance to implement a database of socio-economic statistics, which are essential for purposes of comparative macroeconomic analyses and policy-making. This two-year project, to which UNDP is assigning $650,000, constitutes the second phase of an effort previously financed by the UNDP regional programme. The first phase assisted CMCA in improving the quality of existing short-run indicators, producing new statistics and designing and putting into effect a computerized database. The second phase of the project, which started in 1991, will assist CMCA in producing macroeconomic indicators for the fiscal, monetary, and external and productive sectors and in consolidating the system of indicators used in analyses of economic fluctuations and trends and in the implementation and evaluation of macroeconomic policies.

62. With respect to the objective of capacity-building of government and subregional organizations for management of the development process, UNDP finances different projects according to the criteria decided in the recently revised strategy of the Special Plan, as discussed above. One of those projects aims at rationalizing the system of investment programming in the countries' public sector, based upon the successful experience of an ongoing UNDP technical assistance project in El Salvador.

63. Other projects are oriented towards the institutional strengthening of Governments, agencies and subregional organizations that participate in the management of the Special Plan. This includes financial support to both the ministries responsible for the Special Plan and UNDP field offices in the subregion, as well as training for public officials in tasks related to implementation of the Special Plan.

64. The Special Plan constitutes a framework that facilitates coordination of aid to Central America. In addition to formal meetings required by the implementation mechanisms of the Special Plan, informal periodic contacts take place with donors in capitals and at the field level. A general informal meeting was held in Tegucigalpa on 6 and 7 November 1990, where, inter alia, the strategy of the Special Plan for the coming years was discussed. Since then, UNDP and donors have agreed to further the coordination of international cooperation by creating working groups focused on specific areas of interest. One such group already meets regularly in San José, Costa Rica, to deal with environmental issues.

65. Efforts to strengthen coordination of aid will be facilitated by two ongoing UNDP-financed projects. A computerized information system (SIPEC) now allows a constant updating of data on flows of international cooperation to Central America. That system has been installed and is used at UNDP field offices, government agencies and bilateral and United Nations agencies. Periodic reports have been issued containing detailed data on bilateral and multilateral subregional and country-level projects implemented in Central America. A second project entitled "Dissemination of information on the implementation of the Special Plan" (PRODIPEC) gives the media information on the execution and impact of activities. A newsletter (INFOPEC) is also being distributed to a wide range of interested countries and institutions.

Table 1. Special Plan of Economic Cooperation for Central America

Status of approval/execution of technical cooperation projects financed by UNDP and the cooperating community (cost-sharing, trust funds, MSA) a/

(Thousands of dollars)

Summary	UNDP financing	Other sources: Administered by UNDP	Other sources: Parallel financing	Total
I. Technical cooperation projects (approved)	16 268	1 219	5 562	23 049
II. Technical cooperation projects (in portfolio)	8 668	1 350	4 720	14 738
III. PRODERE b/ resources (Italian Government)	0	102 297	0	102 297
IV. Grand total	24 936	104 866	10 282	140 084

a/ Management Services Agreement.

b/ The pledged contribution is $US 115 million.

Table 2. Special Plan of Economic Cooperation for Central America

Status of approval/execution of technical cooperation projects financed by UNDP and the cooperating community (cost-sharing, trust funds, MSA), by Plan area: approved projects)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
					A. Emergency programme							
1	CAM/88/001/F/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE). Preparatory assistance and regional cooperation	May 1989	48	ELS-GUA BZE/COS/ELS GUA/HON/NIC	UNDP/OPS	400	4 472 (Italy)	4 872	0	In pipeline	In pipeline	The Italian Government deposited $US 19.3 million for this and the other PRODERE subprogrammes. $US 20 million are on deposit to cover 1991-1992 expenditures
2	CAM/89/023/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): Belize subprogramme	Nov. 1989	42	BZE	UNDP/OPS UNHCR/ILO/ PAHO/WHO	0	2 165 (Italy)	2 165	822	Approved	Approved	See item 1
3	CAM/89/024/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): Costa Rica subprogramme	Nov. 1989	42	COS	UNDP/OPS UNHCR/ILO/ PAHO/WHO	0	7 578 (Italy)	7 578	752	Approved	Approved	See item 1
4	CAM/89/025/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): El Salvador subprogramme	Nov. 1989	42	ELS	UNDP/OPS UNHCR/ILO/ PAHO/WHO	0	24 899 (Italy)	24 899	1 339	Approved	Approved	See item 1
5	CAM/89/026/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): Guatemala subprogramme	Nov. 1989	42	GUA	UNDP/OPS UNHCR/ILO/ PAHO/WHO	0	24 899 (Italy)	24 899	5 463	Approved	Approved	See item 1

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval: Government	Status of approval: UNDP	Comments
6	CAM/89/027/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): Honduras subprogramme	Nov. 1989	42	HON	UNDP/OPS/ UNHCR/ILO/ PAHO/WHO	0	5 413 (Italy)	5 413	1 906	Approved	Approved	The Government has requested expansion of the programme. See item 1
7	CAM/89/028/C/16/31 Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE): Nicaragua subprogramme	Nov. 1989	42	NIC	UNDP/OPS/ UNHCR/ILO/ PAHO/WHO	0	24 899 (Italy)	24 899	5 960	Approved	Approved	See item 1
8	CAM/89/031/B/16/31 PRODERE subprogramme. Regional technical backstopping by ILO, PAHO/WHO and UNHCR (regional initiatives)	Feb. 1991	36	ELS/GUA - COS/ELS/GUA/ HON/NIC	UNHCR/ILO/ PAHO/WHO/ UNDP/OPS	0	2 500 (Italy)	2 500	0	Approved	Approved	See item 1
9	CAM/89/R51/D/16/31 PRODERE subprogramme. Information, community education and training subprogramme (EDINFODOC)	June 1989	47	GUA - COS/ELS/GUA/ HON/NIC	UNDP/OPS	0	5 472 (Italy)	5 472	0	Approved	Approved	See item 1
10	CAM/88/009/F/16/31 Support to Governments in the formulation of strategies and projects for solving the problem of Central American refugees, displaced persons and returnees (CIREFCA)	Feb. 1989	31	NY/COS - BZE/COS/ELS/ GUA/HON/NIC	UNDP/OPS/ UNHCR	479	700 a/ (Sweden)	1 179	0	Approved	Approved	Reports of the Guatemala and New York conferences complete

/...

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
11	CAM/90/003/C/16/31 Review, expansion and prioritization of the portfolio of projects on uprooted populations, within the framework of the CIREFCA Plan of Action	Apr. 1990	16	NY BZE/COS/ELS/ GUA/HON/NIC/ MEX	UNDP/OPS/ UNHCR	0	1 179 b/ ($319 France) ($800 Sweden) ($60 Canada)	1 179	0	Approved	Approved	Documents for meeting with donors distributed. Meeting held 27-28 June 1990. Donors pledged $US 100 million for CIREFCA and $US 60 million for CIAV and ONUCA
12	CAM/89/019/B/18/31 Support to CIAV for the formulation of a project to reintegrate the Nicaraguan Resistance	Nov. 1989	8	NIC - HON/NIC	UNDP/OPS	0	25 (UNDP/PDF)	25	0	Approved	Approved	Reports served for Secretary-General's appeal (CIAV)
	Subtotal					879	104 201	105 080	16 242			
				B. Programme of immediate action								
13	CAM/90/007/B/16/31 The intra-Central American debt problem	Nov. 1990	4	COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	40	21 c/ (SECMC)	62	0	Approved	Approved	Project concluded and final report distributed
14	CAM/88/006/D/16/31 Strengthening of the Central American Monetary Stabilization Fund (FOCEM)	Feb. 1989	24	COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	46	0	46	33	Approved	Approved	Report concluded and distributed. An extension is planned to mobilize resources (missions and/or meetings)
	Subtotal					86	22	108	33			
				C. Economic development								
15	CAM/89/012/F/16/52 Industrial reconversion in Central America. Analysis of problems and identification of technical cooperation needs	Oct. 1989	10	GUA - COS/ELS/GUA/ HON/NIC	ECLAC	297	0	297	0	Approved	Approved	Project concluded. Final report distributed

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
16	CAM/89/001/I/16/42 Technical assistance for agricultural development in Central America (RUTA II)	Feb. 1989	36	COS - COS/ELS/GUA/ HON/NIC	World Bank	1 625	3 190 d/	4 815	1 621 e/	Approved	Approved	Second tripartite meeting held on 19-20 November 1990
17	CAM/90/002/D/16/31 Review of the portfolio of projects for the agricultural sector in Central America	June 1990	10	NY/COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	751	0	751	85	Approved	Approved	Project completed. Meeting with cooperating community held at Managua on 11-12 April 1991
18	CAM/91/007 Follow-up to the meeting with the cooperating community for the agricultural sector	Sept. 1991	12	COS - COS/ELS/GUA/ HON/NIC/PAN	UNDP/OPS	68	0	68	0	Approved	Approved	
19	CAM/89/005/A/16/31 Development and regional integration. Trifinio Plan	Sept. 1990	12	GUA - ELS/GUA/HON	UNDP/OPS	550	200 f/ (CABEI)	750	250	Approved	Approved	Will be executed by means of a subcontract with IICA.
20	CAM/91/005/A/16/99 Support for the reactivation of the agricultural sector and the national food programme in Nicaragua	Aug. 1991	12	NIC - COS/ELS/GUA/ HON/NIC/PAN	CORNAP (Govern- ment)	130	0	130	0	Approved	Approved	Project has started
21	CAM/88/007/E/16/40 Mechanization of customs clearance procedures and facilitation of trade (ASYCUDA)	Aug. 1991	24	GUA - COS/ELS/GUA/ HON/NIC	UNCTAD	680	0	680	0	Approved	Approved	Second tripartite meeting, Sept.-Oct. 1991
22	CAM/90/008/C/16/40 Support for participation by the Central American Governments in the Uruguay Round	Oct. 1990	19	GUA - COS/ELS/GUA/ HON/NIC	UNCTAD/ ECLAC	524	0	524	10	Approved	Approved	A 13-month extension for $US 361,500 has been approved

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval: Government	Status of approval: UNDP	Comments
23	CAM/91/004/A/16/42 Development and strengthening of capital markets in Central America	Aug. 1991	10	GUA - COS/ELS/GUA/ HON/NIC/PAN	World Bank	300	0	300	0	Approved	Approved	Start of operations planned for Sept. 1991
24	CAM/88/010/B/16/20 Development of telecommunications in Central America. Preparatory assistance	Apr. 1989	6	HON - COS/ELS/GUA/ HON/NIC	ITU	7	35 (UNDP/PDF)	42	6	Approved	Approved	Final report distributed, project ending See project CAM/89/020
25	CAM/89/020/D/16/20 Review of the portfolio of Central American telecommunications projects and preparation of technical documentation for sectoral meeting with the cooperating community	May 1990	13	HON - COS/ELS/GUA/ HON/NIC	ITU	195	0	195	74	Approved	Approved	Meeting with cooperating community held at Tegucigalpa on 24-25 June 1991
26	CAM/90/012/C/16/31 Central American road transport network	Nov. 1990	9	GUA - COS/ELS/GUA/ HON/NIC	UNDP/OPS	165	0	165	0	Approved	Approved	Informal technical seminar held with the cooperating community at San José on 18-19 Feb. and negotiations with cooperating community held in Central America and in capital cities
27	CAM/89/011/D/16/42 Project for institutional development and regional electrical integration (DIEICA). Phase I	May 1989	10	WASH/MEX - COS/ELS/GUA/ HON/NIC/PAN	World Bank/ ECLAC	176	0	176	0	Approved	Approved	Project concluded. Report in preparation (World Bank). Permitted preparation of documentation for first meeting with co-operating community in April 1990

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
28	CAM/89/015/B/16/42 Institutional development and regional electrical integration of the Central American isthmus (DIEICA). Phase II	June 1990	8	WASH/MEX - COS/ELS/GUA/ HON/NIC/PAN	World Bank/ ECLAC	284	0	284	0	Approved	Approved	Project is being executed
	Subtotal					5 752	3 425	9 177	2 046			
					D. Social development							
29	CAM/91/001/A Programme to alleviate poverty in Central America. Preparatory assistance	Apr. 1991	7	WASH - COS/ELS/GUA/ HON/NIC/PAN	World Bank and association of PAHO/WHO, UNDP, IDB, UNICEF	207	0	207	0	Approved	Approved	Mission to Central America, start of project
30	CAM/90/005/C/16/40 Subregional project for the development of managerial capacity in health services Phase II, stage 1	Oct. 1990	12	GUA - COS/ELS/GUA/ HON/NIC/PAN	PAHO/WHO	387	495 g/ PAHO/WHO World Bank	882	275	Approved	Approved	Review in progress
31	CAM/89/017/A/16/42 Nutrition initiative for Central America	March 1990	8	GUA - COS/ELS/GUA/ HON/NIC	World Bank PAHO/WHO	74	95 h/	169	0	Approved	Approved	Meeting with Central American Governments and the cooperating community held in May 1991. Seminar report distributed by INCAP/World Bank
32	CAM/89/022/B/26/31 Transfer of technology in enriched flours in Central America	Dec. 1990	24	GUA - COS/ELS/GUA/ HON/NIC	UNDP/OPS	200	0	200	141	Approved	Approved	Subcontract for execution agreed with INCAP

/...

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
33	CAM/89/006/E/16/37 Modernization and support for handicrafts, micro-enterprise and small-scale industry in the context of Central American integration (ERCAC)	Oct. 1989	25	COS - COS/ELS/GUA/ HON/NIC	UNIDO	517	0	517	0	Approved	Approved	Tripartite meeting held in March 1991
	Subtotal					1 385	590	1 975	416			
					E. Tourism							
34	CAM/89/004/C/16/49 Tourism development in Central America	May 1989	6	NIC - COS/ELS/GUA/ HON/NIC	WTO	37	0	37	0	Approved	Approved	Project concluded
35	CAM/90/009/A/16/49 Promotion of tourism	March 1991	12	NIC - COS/ELS/GUA/ HON/NIC/PAN	WTO	197	0	197	0	Approved	Approved	Project is being executed
36	CAM/90/010/A/16/49 Human resources training in tourism	March 1991	8	NIC - COS/ELS/GUA/ HON/NIC	WTO	147	0	147	0	Approved	Approved	Project is being executed
37	CAM/90/011/A/16/49 Action plan for the conservation and development of the resources of protected areas in the Central American isthmus	March 1991	6	NIC - COS/ELS/GUA/ HON/NIC/PAN	WTO	155	0	155	0	Approved	Approved	Project is being executed
	Subtotal					536	0	536	0			
					F. Environment							
38	CAM/90/013/A Environment: Central American agenda and institution-building. Preparatory assistance	March 1991	6	GUA - COS/ELS/GUA/ HON/NIC/PAN	UNDP/OPS	121	0	121	0	Approved	Approved	Planned starting date: September 1991

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
39	CAM/90/0006 Regional agro-forestry project. Preparatory assistance	Nov. 1990	35	ELS - COS/ELS/GUA/ HON/NIC	FAO	43	0	43	i/	Approved	Approved	Project is being executed
	Subtotal					164	0	164	0			
				G. Institution-building								
40	CAM/89/010/H/16/31 Institutional strengthening of the Central American Bank for Economic Integration (CABEI). Preparatory assistance	Feb. 1989	25	HON - COS/ELS/GUA/ HON/NIC	UNDP/OPS	151	0	151	0	Approved	Approved	Final report concluded. Project ending. See projects CAM/89/018 and CAM/90/001
41	CAM/89/018/D/16/31 Strengthening of the Central American Bank for Economic Integration (CABEI). Phase I	Nov. 1990	6	HON - COS/ELS/GUA/ HON/NIC	UNDP/OPS	545	0	545	0	Approved	Approved	Project was started and a review was approved. On 3 July, CABEI Ad Hoc Board of Governors approved general proposals recommended by consultants
42	CAM/89/013/G/16/31 Institutional support for follow-up to the Special Plan of Economic Cooperation for Central America by intraregional integration bodies (SIECA)	Aug. 1989	20	GUA - COS/ELS/GUA HON/NIC	UNDP/OPS	152	0	152	35	Approved	Approved	
43	CAM/91/006/A/16/99 Central American system of short-term socio-economic indicators	Aug. 1991	3	COS - COS/ELS/GUA/ HON/NIC/PAN	CAMC	650	0	650	0	Approved	Approved	
44	CAM/89/007/E/16/31 Development of managerial capacity in the public sector in Central America (ICAP)	July 1989	28	COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	504	0	504	307	Approved	Approved	Second tripartite meeting held in third quarter of 1991

/...

Table 2 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Govern-ment	UNDP	Comments
45	CAM/91/008 Strengthening of the public investment process. Preparatory assistance	Sept. 1991	8	NY - COS/ELS/GUA/ HON/NIC/PAN	DTCD	154	0	154	0	Approved	Approved	
46	CAM/88/002/G/16/31 Support for the coordination secretariat of the Meeting of Central American Vice-Presidents. Preparatory assistance	Sept. 1988	29	GUA - COS/ELS/GUA/ HON/NIC	UNDP/OPS	35	0	35	0	Approved	Approved	Final report in preparation
47	CAM/89/014/G/16/31 Government bodies responsible for implementing the Special Plan of Economic Cooperation for Central America in the management of international cooperation	June 1989	34	COS/ELS/GUA/ HON/NIC	UNDP/OPS	413	0	413	0	Approved	Approved	Tripartite follow-up and evaluation meeting, June 1991. Extension under way
48	CAM/88/003/J/16/31 - RLA/88/003/J/16/31 Institutional support for the implementation of the Special Plan of Economic Cooperation for Central America	Feb. 1989	36	NY - COS/ELS/GUA/ HON/NIC	UNDP/OPS	3 698	25	3 723 UNDP-SPR		Approved	Approved	Evaluation, August 1991. Tripartite meeting planned for September 1991
49	CAM/88/005/E/16/52 Support for the mechanisms of the Special Plan of Economic Cooperation for Central America - ECLAC	Feb. 1989	24	MEX - COS/ELS/GUA/ HON/NIC	ECLAC	434	0	434	112	Approved	Approved	Project in process of completion
50	CAM/89/L30/B/28/31 Assistance in the preparation of programmes and projects for the implementation of the Special Plan (Norway Trust Fund)	Feb. 1990	12	NY - COS/ELS/GUA/ HON/NIC	UNDP/OPS	0	790 (Norway)	790	0	j/	Approved	First phase of project concluded

j/ ...

Table 2 (concluded)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
51	CAM/89/009/H/16/31 Information system for the Special Plan of Economic Cooperation for Central America (SIPEC)	Feb. 1991	36	NY - COS/ELS/GUA/ HON/NIC	UNDP/OPS	450	25 UNDP/IPF/ El Salvador	475	0	Approved	Approved	Second publication distributed, third and fourth publications in preparation. Tripartite meeting, June 1991
52	CAM/89/008/F/16/31 Programme for the dissemination of information on the Special Plan (PRODIPEC)	July 1989	31	COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	280	0	280	20	Approved	Approved	Second tripartite meeting, third quarter of 1991
	Subtotal					7 466	840	8 306	474			
	Grand total					16 268	109 078	125 346	19 211			

a/ Parallel financing.

b/ UNDP is administering $319,000 provided by France. UNHCR is executing the contributions from Sweden ($800,000) and Canada ($60,000).

c/ Parallel financing. SECMC = Excutive Secretariat of the Central American Monetary Council.

d/ IFAD is contributing $600,000 and the Japanese Government $2,590,000 through a trust fund with the World Bank.

e/ IICA is contributing $360,000 and the Central American Governments $1,261,000.

f/ Parallel financing.

g/ Parallel financing.

h/ Parallel financing - World Bank/PAHO/WHO.

i/ Not available.

j/ Not applicable.

Table 3. Special Plan of Economic Cooperation for Central America: Status of approval/execution of technical cooperation projects financed by UNDP and the cooperating community (cost-sharing, trust funds, MSA), by Plan area: projects in portfolio a/

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
					A. Emergency programme							
1	CAM/90/004/A/99/31 Integration and self-sufficiency for the Teosinte, Tremedal and Cuancora returnee communities, El Salvador	Oct. 1991	12	ELS	UNDP/OPS/ UNHCR	0	700 b/ (France)	700	0	In the pipeline		
2	CAM/91/003 CIREFCA follow-up unit, UNDP component	Sept. 1991	33	COS-BZE/COS/ ELS/GUA/HON/ NIC/MEX	UNDP/OPS/ UNHCR	698	1 700 c/	2 398		In the pipeline		
	Subtotal					698	2 400	3 098	0			
					B. Economic development							
3	CAM/91/009 Analysis and proposals for industrial development in Central America. Preparatory assistance			COS/ELS/GUA/ HON/NIC	UNIDO	157	0	157	0	Under consideration		
4	CAM/91/011 Follow-up to the meeting with the cooperating community for the telecommunications sector			COS/ELS/GUA/ HON/NIC/PAN	ITU	68	0	68	0	Under consideration		
Planned extensions												
5	CAM/89/001 Technical assistance for agricultural development in Central America (RUTA II)			COS - COS/ELS/GUA/ HON/NIC	World Bank	1 200	3 020 d/	4 220	240	Under consideration		
6	CAM/88/007 Mechanization of customs clearance procedures and facilitation of trade (ASYCUDA)			GUA - COS/ELS/GUA/ HON/NIC	UNCTAD	203	0	203	0	Under consideration		
	Subtotal					1 628	3 020	4 648	240			

/...

Table 3 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
					C. Social development							
Planned extensions												
7	CAM/90/005/D/16/14 Subregional project for the development of managerial capacity in health services. Phase II, stage 1			GUA - COS/ELS/GUA/ HON/NIC/PAN	PAHO/WHO	150	0	150	0	Under consideration		
8	CAM/91/001 Programme to alleviate poverty in Central America. Preparatory assistance			WASH - COS/ELS/GUA/ HON/NIC/PAN	World Bank and association of PAHO/WHO, UNDP, IDB, UNICEF	3 000	to be determined	3 000	0	Under consideration		
	Subtotal					3 150	0	3 150	0			
					D. Environment							
9	CAM/91/010 Socio-economic and institutional evaluation of agro-forestry and reforestation projects			COS/ELS/GUA/ HON/NIC/PAN	World Bank	188	0	188	0	Under consideration		
Planned extensions												
10	CAM/90/013 Environment: Central American agenda and institution-building. Preparatory assistance			GUA - COS/ELS/GUA/ HON/NIC/PAN	UNDP/OPS	100	650 e/ (IDB)	750	0	Under consideration		
	Subtotal					288	650	938	0			

.../

Table 3 (continued)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval Government	UNDP	Comments
					E. Institution-building							
11	CAM/91/002 Mexico-Central America technical cooperation programme for improving public sector management in the Central American countries. Preparatory assistance			GUA - COS/ELS/GUA/ HON/NIC/PAN	UNDP/OPS	324	0	324	0	Under consideration		
Planned extensions												
12	CAM/89/013 Institutional support for follow-up to the Special Plan of Economic Cooperation for Central America by intraregional integration bodies (SIECA)			GUA - COS/ELS/GUA/ HON/NIC	UNDP/OPS	180	0	180	0	Under consideration		
13	CAM/89/014 Government bodies responsible for implementing the Special Plan of Economic Cooperation for Central America in the management of international cooperation			COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	150	0	150	0	Under consideration		
14	CAM/88/003 (New number) Institutional support for the implementation of the Special Plan of Economic Cooperation for Central America			NY - COS/ELS/GUA/ HON/NIC	UNDP/OPS	2 000	0	2 000	0	Under consideration		

Table 3 (concluded)

Item	Number and title of project	Starting date	Duration (months)	Headquarters and participating countries	Executing agencies	Budget (Thousands of dollars) UNDP contribution	Other sources	Total	In kind	Status of approval: Government	Status of approval: UNDP	Comments
15	CAM/89/009 Information system for the Special Plan of Economic Cooperation for Central America (SIPEC)			NY - COS/ELS/GUA/ HON/NIC	UNDP/OPS	150	0	150	0	Under consideration		
16	CAM/89/008 Programme for the dissemination of information on the Special Plan of Economic Cooperation for Central America (PRODIPEC)			COS - COS/ELS/GUA/ HON/NIC	UNDP/OPS	100	0	100	0	Under consideration		
	Subtotal					2 904	0	2 904	0			
	Grand total					8 668	6 070	14 738	240			

a/ Advanced stage of negotiation.

b/ Cost-sharing.

c/ Parallel financing currently being executed by UNDP.

d/ Japan approved $US 1,620,000 as parallel financing and IFAD $US 200,000. An IDB contribution of $US 1,200,000 is in the final stage of approval.

e/ Cost-sharing.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/459
23 September 1991
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

Forty-sixth session
Agenda item 93

RIGHT OF PEOPLES TO SELF-DETERMINATION

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with General Assembly resolution 45/132 of 14 December 1990 and Commission on Human Rights resolution 1991/7 of 22 February 1991, the preliminary report prepared by Mr. Enrique Bernales Ballesteros (Peru), Special Rapporteur on the question of the use of mercenaries.

Annex

Preliminary report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur of the Commission on Human Rights

CONTENTS

Chapter		Paragraphs	Page
I.	INTRODUCTION	1 - 8	3
II.	ACTIVITIES OF THE SPECIAL RAPPORTEUR	9 - 34	5
	A. Implementation of the programme of activities	9 - 15	5
	B. Correspondence	16 - 34	6
III.	LOCALIZATION OF MERCENARY ACTIVITIES	35 - 41	12
IV.	MERCENARY ACTIVITIES IN AFRICA	42 - 115	15
	A. General aspects	42 - 50	15
	B. Angola	51 - 69	17
	C. Mozambique	70 - 83	21
	D. South Africa	84 - 115	24
V.	EVOLUTION OF THE CONFLICT IN CENTRAL AMERICA	116 - 123	30
VI.	CURRENT STATUS OF THE INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES	124 - 129	32
VII.	ADVERSE EFFECT ON THE ENJOYMENT OF HUMAN RIGHTS OF ACTS COMMITTED BY ARMED GROUPS WHICH SPREAD TERROR AMONG THE POPULATION AND BY DRUG TRAFFICKERS	130 - 139	34
VIII.	CONCLUSIONS	140 - 150	37
IX.	RECOMMENDATIONS	151 - 161	40

I. INTRODUCTION

1. At its forty-third session, on 9 March 1987, the Commission on Human Rights adopted resolution 1987/16, in which it was decided to appoint a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The direct motivation for this resolution were paragraph 5 of Economic and Social Council resolution 1986/43 of 23 May 1986, and General Assembly resolution 41/102 of 4 December 1986, whereby both bodies urged the Commission on Human Rights to appoint a special rapporteur on that subject. By decision 1987/144 of 29 May 1987, the Economic and Social Council approved the Commission's decision to appoint a Special Rapporteur.

2. Subsequently, press release HR/2062 of 3 September 1987 announced the decision of the Chairman of the Commission on Human Rights, taken during the forty-third session after consultations with the Bureau of the Commission, to appoint Senator Enrique Bernales Ballesteros of Peru as Special Rapporteur of the Commission on the question of the use of mercenaries.

3. Since then, the Special Rapporteur has submitted seven reports to the General Assembly and the Commission on Human Rights, in which he developed a set of definitions of mercenary activities. He defined the concepts of "mercenarism" (as a generic term including all mercenary operations and the existence of a causal agent) and of "mercenary" (as an individual accountable at the level of execution), and reported on the status of international law on the subject, from article 47 of Additional Protocol I to the Geneva Conventions of 1949, to the Convention for the Elimination of Mercenarism in Africa adopted by the Organization of African Unity (OAU) in Libreville in 1977, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted by the General Assembly in resolution 44/34 of 4 December 1989. In his reports, the Special Rapporteur also developed the idea that mercenary activities are a means of violating human rights and impeding the exercise of the right of peoples to self-determination; he reported on the rules and regulations deriving from the legislation in effect in various States against mercenary activities; and he gave an account of his activities and of visits he made to Angola, Maldives, Nicaragua and the United States of America.

4. On 14 December 1990, the General Assembly adopted resolution 45/132, which affirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations (para. 3 of the resolution); denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States (para. 5); and also urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals,

are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation (para. 6).

5. It calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation (para. 7); furthermore, it considers that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible (para. 8); and it urges all States to take early action to sign, accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in order to expedite the coming into force of that Convention (para. 9). Elsewhere, it condemns the recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination (para. 2). In addition, it strongly condemns the racist regime of South Africa for its use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States (para. 4); it takes note with appreciation of a report of the Special Rapporteur (para. 1); and requests the submission of a report on the use of mercenaries to the General Assembly at its forty-sixth session (para. 10).

6. During its forty-seventh session, the Commission on Human Rights reviewed the seventh report of the Special Rapporteur (E/CN.4/1991/14) and adopted without a vote resolution 1991/7 of 22 February 1991, in which it takes note with appreciation of the report of the Special Rapporteur (para. 1 of the resolution); requests the Special Rapporteur to submit a preliminary report to the General Assembly at its forty-sixth session under the agenda item "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (para. 4); also requests the Special Rapporteur to submit his report to the Commission at its forty-eighth session on all further developments concerning the use of mercenaries, wherever this may occur (para. 5); reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States (para. 2); and calls upon all States which have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (para. 3).

7. On 31 May 1991, the Economic and Social Council adopted decision 1991/233, by which it approved the resolution of the Commission on Human Rights.

8. Pursuant to the aforementioned resolutions, the Special Rapporteur has the honour to submit for the consideration of the General Assembly his eighth report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Implementation of the programme of activities

9. The Special Rapporteur travelled to Geneva on 25 January 1991 in order to submit his seventh report (E/CN.4/1991/14) to the Commission on Human Rights. On 30 January 1991, during the fourth meeting of the session, the Special Rapporteur presented his report. During his stay in Geneva, the Special Rapporteur held consultations with representatives of a number of States and met with members of non-governmental organizations.

10. On 27 June 1991, the Special Rapporteur met privately in New York with the Permanent Representative of Angola to the United Nations in order to express appreciation for the invitation to visit the country, extended to him by the Minister for Foreign Affairs, Mr. Pedro De Castro Van Dunem, and to coordinate various aspects of the preparations for that visit.

11. The Special Rapporteur returned to Geneva from 30 June to 5 July 1991 in order to hold various consultations and private meetings and to draw up the outline of this preliminary report. On that occasion he met with the Permanent Representative of South Africa to the United Nations at Geneva, Ambassador Albert Leslie Manley. The Special Rapporteur said that in the performance of his duties, he had heard various allegations concerning the recruitment, use, financing and training of mercenaries by South African officials and nationals, with the intention of violating the right to self-determination of the peoples of Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe, and making criminal attempts on the lives of opponents of the apartheid regime both inside and outside South Africa. He referred to President de Klerk's efforts gradually to dismantle apartheid and ease tensions, and the opposition he had aroused among some members of the white minority. That opposition had led to the creation of a great many extreme right-wing racist organizations, which had allegedly resorted to the use of mercenaries. The Special Rapporteur observed that the appointment of the Harms and Hiemstra Commissions showed that the President of South Africa was interested in investigating and punishing criminal activities committed by some security bodies. He concluded that a visit to the country would facilitate an on-site investigation of the steps being taken to bring to light those responsible for the alleged incidents and to observe the process of the dismantling of apartheid which had presumably provoked recourse to mercenary activities.

12. The Permanent Representative re-emphasized the good will of President de Klerk and the South African Government in seeking to put an end to any illegal activities that might have occurred in the past and had been condemned by the international community. He said that, in his view, it would be useful for the Special Rapporteur to draw up a report of the allegations submitted to him, and accordingly suggested that the Special Rapporteur should send him a communication listing of those allegations so that he could bring them to the attention of his Government. He added that the South African Congress had recently repealed the Population Registration Act and the Land Acts, thus making South Africa a country open to all races. He also indicated that the Internal Security Act had been amended to restrict the powers of the police in the matter of detention without trial. Those laws had been repealed on the initiative of President de Klerk, who was also working towards the adoption of a new constitution guaranteeing the participation and representation of all South Africans in a genuine democracy offering real protection to minorities.

13. On 4 July 1991, the Special Rapporteur met at the headquarters of the United Nations Centre for Human Rights with Ambassador Mutuale Kikanke, Permanent Representative of Zaire to the United Nations at Geneva. The Special Rapporteur informed the Permanent Representative that he had received reports from non-governmental sources regarding the presence in the territory of Zaire of Colonel Bob Denard, who on 26 November 1989 had led the coup d'état against the Government of the Comoros that had cost the life of the President, Ahmed Abdallah Abderemane. According to those reports, Denard had allegedly been appointed to train a Presidential Guard. The Special Rapporteur expressed his grave concern at those reports and asked the Permanent Representative to undertake an investigation of the presence, residence and legal status of Denard in Zaire.

14. The Permanent Representative thanked the Special Rapporteur for the confidence and discretion he had shown in sharing his personal anxiety and concern in that regard. He said that he would request his Government to make the investigation in question and that as soon as he received the results he would transmit them to the Special Rapporteur. Furthermore, he referred to the current process of democratization in his country and to the fact that more than 100 groups had applied for registration as political parties.

15. The Special Rapporteur returned to Geneva from 13 to 16 August 1991 to conduct various activities and draft this preliminary report.

B. Correspondence

16. The Ministry of Foreign Affairs of Burkina Faso sent a letter to the Special Rapporteur on 13 November 1990, in reply to a communication addressed to it by the Special Rapporteur on 5 October 1990. The letter reads as follows:

"Burkina Faso has not yet ratified the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, but is aware of its importance for the realization of the right of peoples to self-determination. Consequently, all necessary arrangements are being made so that the ratification can take place as soon as possible."

17. The General Secretary of the Ministry of Foreign Affairs and Cooperation of the Congo sent a letter to the Special Rapporteur on 6 December 1990, in reply to a communication addressed to him by the Special Rapporteur on 5 October 1990. The letter reads as follows:

"The importance of combating the recruitment, use, financing and training of mercenaries has been understood by the African States since their independence.

"On 3 July 1977, in Libreville, Gabon, the Organization of African Unity (OAU) adopted the Convention for the Elimination of Mercenarism in Africa.

"The People's Republic of the Congo acceded to this Convention on 1 April 1988 and the letters of accession were deposited with the OAU General Secretariat on 9 September 1988.

"In so doing the Government of the Congo can only give added force to the means available by law for achieving a total prohibition of activities impeding the free exercise by peoples of their right to self-determination.

"Indeed, a people or nation must be free to choose its own government and political system. Any activity impeding the exercise of this inalienable right is contrary to law and to international practice.

"The People's Republic of the Congo maintains friendly relations with all Member States of the United Nations while respecting basic principles such as non-interference in the internal affairs of States and territorial integrity.

"The Congo remains convinced that the use of force and the use of mercenaries are serious threats to international peace and security.

"The International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted in 1989 serves in our view to complement the action already taken by OAU.

"The People's Republic of the Congo will become a party to the International Convention upon completion of the required constitutional formalities.

"Until they are completed, the Government of the People's Republic of the Congo undertakes to work together with the member States of OAU

and the Member States of the United Nations for the elimination of mercenarism throughout the world."

18. On 13 December 1990, the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations at Geneva, Mr. Carlos H. Matute Irias, sent a letter to the Special Rapporteur on instructions from the Minister for Foreign Affairs of Honduras, Mr. Mario Carías Zapata, in which he states that "the Government of Honduras will continue with the greatest pleasure to provide you with all relevant information to assist you in the best performance of your sensitive task as Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries".

19. On 28 December 1990, the Special Rapporteur wrote a letter to the Minister for Foreign Affairs of Trinidad and Tobago, Mr. Shadeo Basdeo, to ask him for "official information from your Government on the serious events which occurred in your country in July 1990 and the alleged participation therein of foreign mercenaries". The Special Rapporteur also asked for information "on the negotiations with the Jamaat al-Muslimeen armed group and on the recent developments in the political situation in Trinidad and Tobago". As of the time of the drafting of this report, there has been no reply to that letter.

20. On 16 January 1991, the Permanent Mission of Nicaragua to the United Nations in New York sent the Special Rapporteur the official reply of its Government to the letter addressed to it by the Special Rapporteur in July 1990. That reply reads as follows:

"Under the Tela agreements signed by the Central American Presidents on 5 August 1989, a Joint Plan was adopted for the demobilization of the members of the Nicaraguan resistance, which was formally set out in the Toncontín Agreement (Honduras) of 23 March 1990. It was agreed therein to ask the United Nations Observer Group in Central America (ONUCA) and the International Support and Verification Commission (CIAV) to take the necessary steps to guarantee support for the process of demobilizing and disarming the members of the resistance, both inside Nicaragua and in other countries, by a completion date of 25 April 1990.

"Accordingly, the Government of Nicaragua is pleased to inform the Special Rapporteur on the question of the use of mercenaries that on 28 June 1990 final arrangements were made for demobilization throughout Nicaraguan territory. At the present time, the demobilization is complete and the total number of those demobilized, as certified by the United Nations military mission to Central America, ONUCA, was 19,613, all of them Nicaraguans.

"The Government of Nicaragua therefore considers that the causes that gave rise to the military conflict [and] provoked its charges that mercenaries were being used against its territory and its inhabitants have ceased to exist, and it therefore deems it appropriate to request the Special Rapporteur to withdraw the charges submitted to him on the matter."

21. On 20 March 1991, the Permanent Delegation of Uruguay to the United Nations at Geneva replied to a communication addressed to it by the Special Rapporteur on 4 October 1990 and stated as follows:

> "This Permanent Delegation wishes to report that Uruguay signed the International Convention against the Recruitment, Use, Financing and Training of Mercenaries on 20 November 1990. Uruguay's Executive Branch has now sent the regulation message to the Legislative Branch requesting its approval to expedite ratification."

22. The Special Rapporteur addressed a communication dated 15 May 1991 to the Permanent Representative of Angola to the United Nations in New York, Ambassador Manuel Pedro Pacavira, asking him to transmit the text of the four agreements negotiated in Estoril, Portugal, between his Government and the União Nacional para a Independência Total de Angola (UNITA), which constitute a preliminary peace agreement.

23. On 23 April 1991, the Minister for Foreign Affairs of Angola, Mr. Pedro De Castro Van Dunem, sent a letter to the Special Rapporteur inviting him to visit Angola during the second half of 1991, within the scope of the cooperation existing between Angola and the organizations of the United Nations system. This letter, received at the Centre for Human Rights on 17 June 1991, reads as follows:

> "Allow me to express the deep appreciation of my Government to the functions of the Special Rapporteur on the use of mercenaries of the United Nations Human Rights Commission, which you are discharging with great capability and abnegation.
>
> "I am confident that you will render concrete the objectives set forward by the Organization during your mandate.
>
> "I avail myself of this opportunity to invite you on behalf of my Government and on my own to visit the People's Republic of Angola, during the second half of 1991, in the scope of the cooperation which exists between my country and the bodies within the system of the United Nations.
>
> "The date of this visit may be fixed through the diplomatic channels."

24. The Special Rapporteur replied to this letter in a communication dated 5 July 1991 addressed to Mr. Pedro de Castro Van Dunem, Minister for Foreign Affairs of Angola. The Special Rapporteur accepted the invitation, which will allow him to update the work he has done on mercenary activities that have had an impact on peace in Angola and the right of its people to self-determination.

25. The Special Rapporteur sent a letter on 20 June 1991 to the Permanent Representative of Zaire to the United Nations at Geneva, Ambassador Mutuale Kikanke. In it the Special Rapporteur recalled that he referred in his previous report to the Commission on Human Rights (E/CN.4/1991/14,

paras. 67-76) to the coup d'état that had taken place in the Comoros on 26 November 1989 during which the President, Ahmed Abdallah Abderemane, had been assassinated. The mercenaries who had engineered the coup had been led by Colonel Bob Denard, a French national. In the face of the international community's immediate condemnation of that action, Denard and his men had been forced to leave the country on 15 December 1989 for Johannesburg. The Special Rapporteur also recalled that, upon his request for information, the Governments of France and South Africa provided the replies appearing in paragraphs 69 to 71 of the report in question. He added that he has received reports from non-governmental sources that Denard was thought to be in Kinshasa at the present time in charge of training the members of the Presidential Guard. The Special Rapporteur expressed his deep concern in that connection and asked the Government of Zaire for informatin ont he alleged presence, residence and legal status of Denard in its territory.

26. The Permanent Representative of Zaire to the United Nations at Geneva, Ambassador Mutuale Kikanke, replied on 23 July 1991 to the Special Rapporteur's request for information in the following terms:

> "I have the honour to refer to our recent meetings and to confirm that there has been no contact or contract between Zaire and Bob Denard. Those who are spreading these rumours should be the ones to answer for their totally gratuitous assertions."

27. Pursuant to General Assembly resolution 45/132 of December 1990 and Commission on Human Rights resolutions 1990/7 of 19 February 1990 and 1991/7 of 22 February 1991, the Special Rapporteur sent a letter to all Member States of the United Nations on 4 and 5 July 1991, asking them for information relating to the following:

(a) Any mercenary activities which, in violation of the sovereignty and laws of their country, might have occurred or be occurring on their territory (recruitment, use, financing, transport or training of mercenaries);

(b) Any mercenary activities on the territory of another country which impaired or might impair the sovereignty of their State and the exercise of the right of their people to self-determination;

(c) Any mercenary activities on the territory of another country which impaired or might impair the sovereignty of other countries in their subregion, region or continent, and the exercise of the right of other peoples to self-determination;

(d) Domestic legislation currently in force and international treaties to which their country was party, relating to the prohibition of mercenary activities and their use as a means of violating the sovereignty of other States and impeding the exercise of the right of peoples to self-determination.

In that same letter, the Special Rapporteur once again drew the attention of those States which had not yet done so to the possibility of ratifying or acceding to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted by the General Assembly on 4 December 1989; pointing out that the entry into force of that international instrument, which confirmed the legal status of the many United Nations resolutions and declarations condemning mercenary activities, would be an effective means of preventing such activities and protecting all States against violations of their sovereignty and attempts to impede the exercise of the right of their peoples to self-determination.

28. In a communication dated 17 July 1991, the Permanent Representative of Saudi Arabia to the United Nations at Geneva, Ambassador Ahmed Abdul-Jabbar, replied to the Special Rapporteur's letter referred to in the previous paragraph, stating as follows:

> "Concerning the information you requested from our Government, we do not allow any mercenary activities inside our territory and we do not face any impairment of our national sovereignty from adjoining territories or from other States. We uphold the safety of the right of self-determination for all peoples.
>
> "With regard to the question of our Government acceding [to] or ratifying the International Convention referred to in your communication, this question will be forwarded to our Government for its decision."

29. By communication of the same date, the Permanent Representative of Belgium to the United Nations at Geneva, Ambassador Philippe J. Berg, replied to the Special Rapporteur's communication of 4 July 1991 informing him that the questionnaire had been sent to the competent Belgian authorities and that he would send their reply without fail as soon as he received it.

30. The Permanent Representative of Bolivia to the United Nations at Geneva, Ambassador Jorge Soruco Villanueva, replied to the Special Rapporteur's letter of 5 July 1991 by communication dated 18 July 1991. In this communication the Permanent Representative informed the Special Rapporteur that his request for information had been transmitted to the Bolivian Government and he hoped to be able to provide a reply within the specified period.

31. On 24 July 1991 the Permanent Representative of Mauritius to the United Nations at Geneva, Ambassador R. Chasle, replied to the Special Rapporteur's communication of 4 July 1991 stating that:

> "Island States such as Mauritius are, as you are aware, particularly vulnerable to such external influences and I am therefore certain that our competent authorities, to whom your request has been transmitted, will do their utmost to provide you with any available information on this issue.

"The attention of our authorities has also been drawn to the possibility of acceding to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which was adopted by the General Assembly on 4 December 1989."

32. The Permanent Representative of Kenya to the United Nations at Geneva, Ambassador Thomas A. Ogada, acknowledged with appreciation receipt of the Special Rapporteur's letter of 4 July 1991 by communication dated 25 July 1991.

33. On 30 July 1991, the Permanent Representative of Senegal to the United Nations at Geneva, Ambassador Alioune Sene, sent a communication to the Special Rapporteur acknowledging with appreciation receipt of his letter of 4 July 1991, and informing him that its content would be communicated as soon as possible to the competent Senegalese authorities, who would without fail give it the full attention it deserved.

34. On 20 August 1991, the Special Rapporteur sent a letter to the Permanent Representative of South Africa to the United Nations at Geneva, as had been agreed at their meeting on 3 July 1991. In this communication the Special Rapporteur provided the Government of South Africa with a list of the allegations received during the period of his mandate relating to the direct or indirect participation of South African officials and citizens in organizing and undertaking of illegal activities involving the participation of mercenaries. The Special Rapporteur again expressed his desire to visit the country in the near future so that he could conduct an on-site investigation of the measures taken to establish responsibility for the alleged occurrences and observe the easing of tensions and dismantling of apartheid being undertaken by President de Klerk. The allegations principally concern the recruitment, use, financing and training of mercenaries by South African nationals and government officials to impede the exercise of the right of the peoples of Angola, Botswana, Lesotho, Mozambique, Namibia, Seychelles, Swaziland, Zambia and Zimbabwe to self-determination, and to attack opponents of the apartheid regime inside and outside South Africa, the presence of mercenaries in the South African Defence Force (SADF), and in the service of the South African Police, the financing and sheltering of foreign mercenaries involved in acts punishable under the laws of other countries in South African territory, and the use of mercenaries by racist organizations actively opposed to the current process of dismantling apartheid and easing tensions in South Africa. The Special Rapporteur considers that the South African Government had not had sufficient time to reply to these allegations before this report was finalized.

III. LOCALIZATION OF MERCENARY ACTIVITIES

35. The investigation of specific cases which the Special Rapporteur has undertaken since September 1987 has allowed him to verify the correctness of the working hypothesis he formulated at the start of his mandate, namely that there are usually mercenary activities where there is an international or internal armed conflict. In the former case, a State engaged in armed

conflict with another resorts to the recruitment, financing, use and training of mercenaries as a means of aggression against the other State involved in the conflict, thereby strengthening its own military capacity or avoiding greater military losses. Mercenary activity, in addition to being illegal per se, is also linked with an act contrary to international law such as the military aggression of one State against another, the invasion and occupation of territory or armed intervention with the object of interfering in internal affairs in violation of the principles of respect for the territorial integrity of States or non-intervention. This is the case, for example, with regard to the recruitment, financing and use by the Government of Iraq of the 44 mercenaries of Egyptian nationality who participated in military operations during the war against the Islamic Republic of Iran and were released on 13 November 1990. Mercenary activities are also undertaken by third States that choose to get involved in an international armed conflict.

36. The Special Rapporteur has also noted the presence of mercenary activities in armed conflicts which are not international conflicts as such. Historical processes, the increasingly complex nature of social relations, economic interests and the web of interactions between a State's internal politics and the international situation have led to situations of internal armed conflict and low-intensity wars which have been used by third States in order to attack the sovereignty of other States or impede the exercise of the right of their peoples to self-determination.

37. The Special Rapporteur has noted the resort by third powers intervening in an internal armed conflict to mercenary activities organized and promoted in furtherance of their own interests from outside the country in conflict. This is the case, for example, with regard to the recruitment, financing, use and training of mercenaries by previous Governments of South Africa in order to intervene in the conflicts of Angola and Mozambique and impede the exercise of the right to self-determination of the peoples of Botswana, Lesotho, Seychelles, Swaziland, Zambia and Zimbabwe. It is also the case with regard to the recruitment, financing, use and training of mercenaries by officials of the Government of the United States to intervene in Nicaragua's internal armed conflict, as the former Nicaraguan Government reported to the Special Rapporteur at the time.

38. The Special Rapporteur has also received information concerning the presence of mercenary activities in the following internal armed conflicts:

(a) Mercenaries of Vietnamese nationality are reported to have been recruited, financed and used by the Government of Cambodia to fight in Battambang and Angkor Wat against the insurgent forces. The approximately half a million Vietnamese soldiers who withdrew from Cambodia in pursuance of the agreements concluded in October 1989 and are now demobilized and unemployed constitute an important reserve of human resources for mercenary activities.

(b) Mercenaries of French nationality are participating in the internal armed conflict in Myanmar, fighting at the side of the Karen rebel movement. One of their number, Olivier Thiriat, died in May 1989 during an encounter

with Government forces. Another French mercenary died in November 1990 during the course of another encounter.

(c) Mercenaries of Israeli nationality are reported to have been recruited, financed and used both by the Government of Sri Lanka and by the armed rebel organization, the People's Liberation Organization of Tamil Ealam (PLOTE) in order to provide them with military training, according to statements made by a former agent of the Israeli Secret Service, Victor Ostrovsky of Mossad.

39. The presence of mercenary activities in internal armed conflicts is indicative of the development of this type of illegal activity. Diverse political, ideological, economic or strategic security interests have led third States to resort to mercenary activities in violation of the principles of non-intervention in the internal affairs of States and with the object of impeding the exercise of the right of peoples to self-determination. There also exists a supply of mercenary services, both individual and organized, which can be used by the parties to an internal armed conflict.

40. The Special Rapporteur has noted that mercenary activities can be a means of reinforcing a party to an international or internal armed conflict. However, that does not mean that mercenary activities are present only in armed conflicts; they may also occur in isolation or in association with relatively unpredictable changes in the internal circumstances of a State or the international situation. There are mercenary resources and organized groups available to undertake mercenary activities which may have diverse immediate objectives but in essence violate sovereignty and the right to self-determination. In this regard the Special Rapporteur can mention the following:

(a) Recruitment, financing and use of the mercenaries of Israeli nationality, Colonel Yair Klein, an officer of the reserve of the Israeli army and President of Hod Hahanit, a company specializing in the provision of escort training services and military instruction, Colonel Amatzia Shaoul, Colonel Itzhak Shoshani, Colonel Moises Spector, Colonel Abraham Tzadaka and Air Force Colonel Yaacov Biran, all officers of the Israeli Defence Forces reserve and employees of the above-mentioned company, in order to provide military instruction to a Colombian armed group in the Magdalena Medio area. According to statements made in August 1989 by the Director of the Truman Institute for International Relations of the Hebrew University of Jerusalem, Eddy Kaufman, there are security companies run by Israelis, which purchase Israeli weapons, whose activities are not effectively controlled and with which unemployed high-ranking officers of the reserve are frequently associated.

(b) Recruitment, financing and use of the British mercenary Peter MacLees, former Sergeant-Major of the British Special Forces, the Australian mercenary Terry Tagney and another nine mercenaries in order to train assault squads of Colombian drug traffickers in the Magdalena Medio and southern border areas of Colombia. Each mercenary received $US 20,000 to

provide instruction in the use of explosives, night-vision, binoculars and grenade rifles, and to give training in shooting techniques, as was admitted by Terry Tagney in statements made in London in August 1989. The former President of Colombia, Virgilio Barco, stated in his speech to the General Assembly on 29 September 1989 that his Government viewed with extreme concern the activities of foreign mercenaries who had trained and assisted drug terrorists in Colombia.

(c) The behaviour characteristic of mercenaries exhibited by several leaders of the Tamil organization PLOTE who use their leadership position in order to receive money and weapons, putting their organization and military apparatus in the service of the Maldivian leader named Luthufi in an attempt to install him in power in the Maldives in November 1988.

(d) Finally, the recruitment, financing and use of mercenaries of South African nationality by officials of the Government of Zaire in order to perform acts of violence and intimidation against militants of several political parties and student groups was reported by the President of the Zaire League of Human Rights, Bwana Kabue, on 4 July 1991.

41. The Special Rapporteur has noted that mercenary resources and organized groups are available to undertake mercenary activities having a variety of purposes, for example, to reinforce insecure political interests, to assist or impede the actions of opposition groups, and even to engage in actions which are in themselves unlawful and prohibited, including terrorist acts and drug- and arms-trafficking operations, and to become paid assassins.

IV. MERCENARY ACTIVITIES IN AFRICA

A. General aspects

42. The process of decolonization set in motion at the end of the Second World War led to the emergence of an ever greater number of new sovereign and independent States on the African continent. That process, although generally peaceful, was difficult in the case of the colonies of southern Africa, where it encountered resistance movements and conflicts which nurtured mercenary activities.

43. With the accession of the Portuguese colonies of Angola and Mozambique to independence, the racist regimes of Rhodesia and South Africa became more vulnerable. South Africa became increasingly isolated when Robert Mugabe's Zimbabwe African National Union (ZANU) came to power in Rhodesia, which then became Zimbabwe and was immediately recognized as a sovereign and independent State by the international community.

44. Since then, the Government of South Africa, in pursuance of its policy of apartheid, set off violence and military tension in southern Africa through the acts of aggression it perpetrated against the right to self-determination of the peoples of the region in order to defend its political, economic,

social and strategic interests, the apartheid system and its white minority Government. South Africa continued to occupy the territory of Namibia even though the United Nations General Assembly decided in 1956 to terminate its League of Nations mandate and despite the 1971 judgment of the International Court of Justice that its presence in Namibia was illegal. In addition, South Africa continually persecuted the South West Africa People's Organization (SWAPO), the legitimate representative of the Namibian people.

45. Succeeding Governments of South Africa ordered acts of aggression against the Angolan, Mozambican and Namibian peoples' right to self-determination; carried out terrorism and sabotage in Botswana and Lesotho, as well as Swaziland and Zimbabwe; and organized commando raids on Zambia. In these actions they often resorted to the recruitment, financing and use of mercenaries. Some were recruited among the African populations themselves, and others came from a few countries of North and South America, Western Europe and Oceania.

46. In defence of the apartheid regime, which vests political power and economic and social control in the 16 per cent of the population made up of whites, the Government of South Africa also resorted to the recruitment, financing, use and maintenance of mercenaries to carry out acts of aggression, repression and intimidation against members of its internal opposition movements, and chiefly against the leaders, cadres and members of the African National Congress (ANC), the Pan Africanist Congress of Azania (PAC) and the South African Communist Party.

47. The Special Rapporteur has studied the trend of political and social events in southern Africa and, in that context, the recourse to mercenary activities to oppose the right to self-determination of the peoples of the region. He has noted that since the second half of 1988 the southern part of the African continent has been experiencing a period of continuing pacification and an easing of tensions and that it is less prone to violence and armed conflicts and more amenable to negotiation and political agreements, which are the most rational and efficient ways of settling disputes peacefully and of affirming and guaranteeing that human rights are fully respected and that the right to self-determination is fully exercised.

48. Namibia is now a sovereign, free and independent State. South Africa has withdrawn from its territory, SWAPO is fully exercising its political rights and the first free and representative elections have been held to form a government deriving its legitimacy from the will of the people. The application of Security Council resolution 435 (1978) can now be considered a fait accompli. The New York Accords of 22 December 1988 brought about peace between Cuba and South Africa and led to the withdrawal of the Cuban troops stationed in Angola, which was complete by 25 May 1991. In addition, on 31 May 1991 the President of Angola and the head of UNITA formally signed peace agreements in Lisbon to inaugurate a cease-fire that, fortunately, has so far held, thus initiating a process of democratization, pacification and national reconciliation that is to culminate in the holding of free, multi-party general elections between September and November of 1992. The

Special Rapporteur must also drew attention to the partial cease-fire agreement between the Government of Mozambique and Resistência Nacional Moçambicana (RENAMO), signed in Rome on 1 December 1990.

49. The South African Government of President F. W. de Klerk has set in motion a major process of détente, political negotiation and national reconciliation that has led to repeal of the laws that formed the pillars of the apartheid regime and should, if it is pursued and strengthened, eventually empower the majority population fully to enjoy its civil, political, economic, social and cultural rights. The Special Rapporteur feels he must point out, however, that the process is running into obstacles in the shape of disputes and disagreements between the various ethnic groups that make up the black majority and, mainly, of a growing resistance among some members of the white minority, who have organized a number of vigilante-style racist movements, some of which have recently begun recruiting, financing and using mercenaries to carry out acts of aggression and intimidation against the black majority and to use violent means to fight the dismantling of apartheid.

50. The conclusion of peace and cease-fire agreements in southern Africa is having the effect of reducing the number of mercenaries in the region. Mercenaries were instrumental in upholding the strategic, political and economic interests of South Africa. As the armed conflicts cease or diminish in intensity, the mercenaries seem to be redeploying towards South African territory where some of them have been recruited by racist organizations whose avowed intent is to stop the dismantling of apartheid and indeed to reverse the process.

B. Angola

51. The Angolan people's struggle against 500 years of Portuguese colonial rule intensified after 1961. Even after the attainment of independence on 11 November 1975, however, the people did not achieve full self-determination: the Government was soon faced with armed opposition from the Frente Nacional para a Liberação de Angola (FNLA) and UNITA, the latter supported by the Government of South Africa. Immediately after the proclamation of independence, South African troops invaded the south of the country in support of UNITA, penetrating more than 400 miles into Angolan territory. On 24 August 1981, the South African army carried out a military operation against Namibian members of SWAPO in southern Angola. Beginning that same year, the South African Government used UNITA as an instrument for recruiting mercenaries. In return, South African citizens took part in military actions carried out by UNITA. Since that time the support given UNITA by the South African Government - military advisers, troops, supplies and logistical support - has been increasing.

52. In January 1986 a mercenary of French nationality was arrested in Cabilda in northern Angola and stated that he had been recruited and paid by the South African Government to carry out sabotage in Angolan territory. In 1987 he was sent to Mozambique in an exchange of prisoners.

53. It should be pointed out that after the civil war began, the Government of Cuba conducted the so-called Operation Carlota in Angola during which 377,033 Cuban troops fought and 2,077 were killed, according to statements made by the Cuban Minister of the Armed Forces in Havana on 27 May 1991. Cuba also sent to Angola 50,000 civilian cooperants, who performed administrative, health, education and construction tasks.

54. On 20 July 1988 the Governments of Angola, Cuba and South Africa established a link for the first time between South Africa's acceptance of Security Council resolution 435 (1978) of 29 September 1978 on the independence of Namibia and the Cuban Government's agreement to withdraw its troops stationed in Angola. On 22 December 1988 the New York Accords provided for the phased total withdrawal of Cuban troops by July 1991. These tripartite agreements brought about peace between Cuba and South Africa and made it possible to begin withdrawing Cuban troops from Angola. The Special Rapporteur made reference to some of these favourable developments in the Angolan situation in the report he submitted to the General Assembly in 1989 (A/44/526, annex) and to the Human Rights Commission in 1990 (E/CN.4/1990/11).

55. On 22 June 1989, a historic meeting took place in Gbadolite, Zaire, through the good offices of Zairean President Mobutu Sese Seko, between the President of Angola, José Eduardo dos Santos, and the leader of UNITA, Jonas Savimbi, and culminated in a cease-fire agreement. Unfortunately, after the shoooting down of an Angolan commercial aircraft and a UNITA attack on one of the country's hydroelectric power plants the cease-fire lasted only a few days.

56. Thanks to the mediation of Portugal, a process of negotiation between representatives of the Government and UNITA leading to the democratization and pacification of the country began in 1990. The process was later joined by representatives of the United States and the Union of Soviet Socialist Republics, as observers. However, the war continued: UNITA forces succeeded in occupying the strategic southeastern city of Mavinga on 8 May 1990, killing 139 government soldiers, capturing 100 tanks and other military vehicles and driving Government troops back to their base at Cuito Cuanavale.

57. On 13 July 1990, the Minister for Foreign Affairs of Angola, speaking in Harare, denounced the use, recruitment and financing of foreign mercenaries by UNITA. The mercenaries were for the most part in charge of operating ground-to-air missiles and other sophisticated military equipment, and were also instructed to attack the capital's electric power supply.

58. While fighting and the Portuguese-mediated negotiation process were going on simultaneously, important political changes were also taking place in late 1990: on 9 December the MPLA agreed to initiate a process of constitutional reform leading to the creation of a multiparty system, which enabled the Popular Assembly to adopt a law on 26 March 1991 establishing such a system, thus putting an end to the one-party system that had been in effect since independence. In addition, the MPLA formally renounced Marxism-Leninism in favour of a social democratic ideology.

59. In early 1991, the UNITA representative in Washington, Mr. Jardo Mulekalia, stated his organization's agreement in principle with the peace plan put forward by Portugal. On 23 January 1991, the official Angolan news agency reported that the Government was also in agreement in principle with the plan. However, the sixth round of negotiations, which took place on 6 and 7 February, ended with no important agreements being reached. The main bone of contention appeared to be the Government delegation's demand that a specific date be set for the entry into force of a cease-fire; it proposed 15 April, while the UNITA delegation wanted no cease-fire before an agreement was reached on holding multiparty general elections. Once agreement was reached on the date of the elections, UNITA argued, a cease-fire date could be set; it proposed 30 June, that is, after the last Cuban troops were to be withdrawn. A joint communiqué issued on 8 February by the delegates of the mediating Powers, the United States and the Soviet Union, acknowledged that on the sixth round, the negotiations had broken down.

60. On 1 April 1991, heavy fighting broke out between the Angolan army and UNITA near Luena, capital of the eastern province of Moxico and site of the largest military and air base of the Angolan army in eastern Angola. UNITA was reported to have attacked with eight battalions - a total of 50,000 men - and to have used long-range artillery. According to statements made on 13 April 1991, the chief operating officer of the Angolan army staff, Col. Higinio Carneiro, UNITA must have received advice from foreign military officers, probably South African, in preparing the attack, judging from the accuracy of the long-range artillery fire. On 10 April, Angolan national radio reported that 160 civilians had died during the battle of Luena, including 54 children. The fighting for the control of the provincial capital ended on 15 May when the cease-fire took effect, leaving a total of 300 dead - civilians and military personnel.

61. The cease-fire went into effect at midnight on 15 May 1991 under the agreements reached at Estoril on 1 May 1991 between the head of the Government delegation, Mr. Lopo do Nascimento, and UNITA's Vice-President and chief of delegation, Mr. Jeremías Chitunda, with Portugal as mediator.

62. The formal signing of the Protocol of Estoril took place on 31 May 1991 in the Palácio das Necessidades, the seat of the Portuguese Ministry of Foreign Affairs, between the President of Angola, José Eduardo dos Santos, and the Chief of UNITA, Jonas Savimbi, in the presence of the Secretary-General of the United Nations, Javier Pérez de Cuéllar, the Secretary-General of OAU and President of Uganda, Yoweri Museveni, United States Secretary of State James A. Baker, Soviet Foreign Minister Aleksandr A. Bessmertnykh, and the mediator in the negotiations and Secretary of State for Foreign Affairs of Portugal, José Manuel Duaro Barroso. It was the culmination of over a year of negotiations successfully mediated by Portugal under the auspices of the United Nations and the OAU and with the sustained support of the United States and the Soviet Union.

63. The Estoril Protocol can be summarized under the following headings: a cease-fire, the same one that took effect on 15 May 1991 at midnight and has

fortunately held so far; free multiparty general elections for the presidency and the legislature at a date to be set between September and November 1992; regrouping of army members into 27 pre-determined zones and of UNITA members into 23 zones, with a view to demobilizing between 100,000 and 120,000 troops on either side, and integration of the remaining troops into a new national army of 50,000 men; creation of a 10-kilometre demilitarized zone; and establishment of a joint political-military commission composed of MPLA and UNITA members to oversee the implementation of the agreements.

64. Simultaneously with the signing of the peace agreements, the Security Council, on 31 May 1991, approved the UNAVEM II operation, whose effect was to enlarge the staff and strengthen the role of the United Nations Angola Verification Mission, known as UNAVEM I, which was made up of 70 military observers. UNAVEM II will consists of 350 unarmed military observers and 90 police officers, 80 international civil servants and 80 locally recruited civil servants. It will have three planes and 12 helicopters in addition to health and administrative personnel. It has a budget of 132.3 million dollars and it is to remain in operation until November 1992. Its main task will be to observe and verify compliance with the cease-fire agreement and to observe the electoral process. UNAVEM II was approved pursuant to a proposal of the Secretary-General, and its military component is administered by General Pericles Ferreira of the Brazilian army. UNAVEM II began operations on 1 July 1991.

65. The Joint Political-Military Commission that is to oversee implementation of the peace agreements held its first meeting in Luanda on 7 June 1991 in the presence of observers from the mediating country, the United States and the Soviet Union. On 4 July it held its 2nd meeting, also in Luanda and in the presence of observers from the same countries. Both meetings dealt with monitoring the transition period that began with the signing of the peace agreements and will end with the holding of general elections and the installation of the new Government.

66. On 30 June 1991, the Joint Political-Military Commission and members of UNAVEM II paid a visit to UNITA headquarters in Jamba in the extreme south-east of the country. On that occasion, the UNITA leader, Jonas Savimbi, hailed the end of the war in the presence of Minister Lopo do Nascimento and members of the UNITA staff, and swore to do everything possible to ensure scrupulous compliance with the signed agreements.

67. It should be noted that in early May of 1991 information was laid of the presence of five South African advisers at UNITA headquarters in Jamba. In addition, on 25 May 1991, one month before the date set by the New York agreement, Colonel Samuel Rodiles, head of Cuba's military mission to Angola and the last Cuban soldier in the country, went back to Cuba. The departure of Colonel Rodiles enabled UNITA to set up in Luanda on 1 July 1991. Moreover, on 11 June 1991 the United States House of Representatives approved the renewal of the aid furnished to UNITA by the Central Intelligence Agency, but in an amount much smaller than the 50 million dollars granted annually in the past and with its use restricted to non-military purposes.

68. The conclusion of the peace agreements implies a cut-off of foreign military aid and the beginning of a process of national reconciliation that should lead Angola toward democracy and prosperity. It should also mean the end of the recruitment, financing and use of mercenaries to carry out acts of violence against the Angolan people's right to self-determination. More than 16 years of civil war have resulted in more than 100,000 dead, 40,000 wounded, including a large number of women and children, close to 500,000 refugees abroad and 600,000 displaced persons within the country, as well as losses estimated at 20 billion dollars. In addition, even though it is one of the African countries richest in natural resources, with large reserves of petroleum, natural gas, diamonds, copper, phosphates and uranium, and excellent coffee-growing conditions, Angola must now begin to clear its agricultural land of mines laid by UNITA and to returned to civilian life those members of the army and UNITA who will not be part of the new unified national army. The present army is estimated at 150,000 men and UNITA is said to have 50,000 combatants, while the new unified national army will be 50,000 strong. Clearly, 150,000 combatants will have to be demobilized and returned to civilian life. That may cause serious problems of social order since the majority are unskilled. On the other hand, large areas of the countryside are already crowded with internally displaced persons. On 8 July 1991, a start was made on separating the two forces and redeploying them to pre-determined bases as the cease-fire enters a new consolidation phase. The international community, which is effectively carrying out verification and control of the peace agreements through UNAVEM II, must also cooperate on the task of returning the demobilized combatants to civilian life.

69. In the political sphere, it should be pointed out that UNITA has already begun its transformation into a legally established political party with offices and headquarters in all the provinces. Another 20 or so groups, including the Angolan Civic Association, have already asked to be registered as political parties, thus expressing their interest in taking part in the multiparty democracy. It is to be hoped that the wish expressed by President dos Santos on 2 June 1991 in Luanda will come true: he said that the time had come for political debate and struggle to replace the language of war.

C. Mozambique

70. Since its rise to power after the proclamation of independence, the Frente de Libertação de Moçambique (FRELIMO) has had to contend with armed opposition by RENAMO. The former Government of Rhodesia helped RENAMO to organize and to launch its first armed offensives in reprisal for the assistance FRELIMO provided to the forces of Robert Mugabe during the war of independence and the fact that the Government of Mozambique supported the sanctions adopted by the United Nations against the racist regime of Rhodesia.

71. When Zimbabwe was established as a sovereign State, officials of the South African Government took over the training and equipping of RENAMO. On 14 October 1981, three demolitions and explosives experts of South African nationality were involved in an act of sabotage in which a segment of the

Beira-Umtali railroad, which links Zimbabwe to the principal port of Mozambique, was mined. The South African nationals died in an armed confrontation with a Mozambican Army patrol.

72. In an interview published in the 7-13 June 1991 issue of The Weekly Mail, Garth Barrett, a former member of the Special Air Services élite corps, a fighter for white supremacy in Rhodesia and architect of the plan for the invasion of Seychelles by mercenaries admitted that, in his capacity as commander of the sixth Command of SADF, he had led an invasion of Matola, Mozambique, in 1981.

73. South African officials also provided military and financial assistance and logistical support to RENAMO. On 7 December 1981, during a raid on the main RENAMO operations base in Garaguq, officials of the Mozambican Army found minutes of meetings between RENAMO leaders and SADF officers. South Africa also allowed RENAMO to establish bases in its territory and used RENAMO as a means of recruiting mercenaries.

74. A number of agents of the former Portuguese secret police (PIDE) were also involved in the establishment of RENAMO. One of them, Orlando Cristina, was appointed secretary-general of the movement. Evo Fernández, who had managed to infiltrate the Portuguese student movement in the 1950s, became the official spokesman of RENAMO in Europe. The task of establishing a link between RENAMO and the South African security services was assigned to another Portuguese national, Casimiro Monteiro. Some Mozambican nationals, recruited as members of RENAMO, were paid by the Government of Rhodesia.

75. In March 1984, Mozambique and South Africa signed the Nkomati Accord, in which each party undertook to prevent its territory from being used to launch acts of war, aggression or violence against the other party. After this Agreement, however, matters did not improve: South Africa continued to maintain RENAMO bases and communication centres in its territory and to provide it with financial and logistical support.

76. Attacks by RENAMO on the railways and highways Zimbabwe uses to channel its import-export trade, prompted Zimbabwe to send in its troops with the consent of the Government of Mozambique.

77. In 1989, as a result of mediation by the President of Zimbabwe, Robert Mugabe, and the President of Kenya, Daniel Arap Moi, initial, indirect contacts were made between the Government of Mozambique and RENAMO. In December 1989, both Heads of State believed that the time was ripe for the initiation of direct negotiations between the two parties. Thus, the first official meeting since the beginning of the conflict, between a representative of the Government and a representative of RENAMO, was held in Lisbon, on 15 May 1990. Subsequently, both parties requested Italian mediation, which led to the opening of negotiations, as a result of which a partial cease-fire agreement was reached in Rome on 1 December 1990.

78. Under the Rome Accord, the contingent of 7,000 soldiers from the Zimbabwean Army was to withdraw from the areas it was occupying and regroup

along the Limpopo and Beira corridors linking the Mozambican ports of Maputo and Beira with Zimbabwe. In exchange, RENAMO undertook to respect a cease-fire along those corridors. The Mozambican Army would move to areas formerly occupied by the Zimbabwean Army. Another major corridor, the Nacala-Malawi corridor, which links the northern Mozambican port of Nacala with Malawi, was not mentioned in the Accord.

79. In the first week of 1991, RENAMO staged five attacks along the Beira corridor and one along the Limpopo corridor, thereby violating the partial cease-fire agreement. On 3 and 4 January 1991, RENAMO troops attacked the Zimbabwe-Beira railroad and, on 4 January, they attacked stores and restaurants in the Beira suburbs. On 7 January they attacked Chimoio, the second largest city along the Beira corridor. On 9 January, there was an armed confrontation in Motasse, in the Limpopo corridor, in which two RENAMO fighters were killed and two soldiers in the Mozambican Army were injured. RENAMO fighters also attempted to sabotage the oil pipeline along the Beira corridor, which Zimbabwe uses to export most of its refined oil.

80. RENAMO fighters also launched attacks along the Nacala corridor, which is not covered by the partial cease-fire agreement. In one of those attacks, an ambush on the road to Nacala, six people died and another six were injured.

81. The war has continued in 1991, in the zones not covered by the Rome Accord, with its customary brutality. On 6 January 1991 RENAMO fighters executed 18 persons in the village of Chirindzene, in the southern province of Gaza. Moreover, after the withdrawal of the Zimbabwean Army from the central Gorongosa region, RENAMO launched an intensive campaign in an attempt to seize control of the region. The same thing happened when the Zimbabwean Army withdrew from the Tete highway linking Zimbabwe and Malawi, which had been attacked on a number of occasions by RENAMO fighters. On several occasions, the attacks had led to the death of the persons driving the vehicles along the highway and had blocked the transport of United Nations food aid to the 820,000 Mozambican refugees in Malawi.

82. The fighting in Mozambique has already resulted in over 100,000 deaths, displaced 4,600,000 within the country and caused 1,280,000 to seek refuge outside. It has also caused the death of 500,000 children under five years of age who would be alive today if the conflict had not erupted. The impact on the economic and social rights of the Mozambican people has been equally grave: 2,049 schools have been destroyed together with 720 health centres and more than 1,300 trucks which could have been used to transport food. The conflict is also particularly cruel: in the interview mentioned above, Garth Barrett described cases in which RENAMO fighters forced the family members of their victims to eat the corpses of executed relatives: "Those are acts of barbarity that Blacks are committing against Blacks in Africa. But we cannot be naive about the way war is conducted on this continent", he said. In August 1987, RENAMO fighters summarily executed 380 persons in Homoine in the southern province of Inhambane. On 29 October 1987, 280 people died in an attack on a convoy 80 kilometres north of the capital.

83. The Special Rapporteur is anxious to reiterate that halting attacks on

the civilian population is the first step to making headway towards a just and democratic peace in Mozambique, one which would guarantee respect for the right to life, integrity, personal freedom and safety of all citizens, and freedom of expression, association and participation in national political life. Similarly, only by halting all foreign intervention and interference, whether direct or indirect, overt or covert, can the full exercise of the right of the Mozambican people to self-determination be guaranteed and the presence of the mercenaries in that country be eliminated.

D. South Africa

84. In all his previous reports, the Special Rapporteur has referred to reports of recruitment, financing, use and training of mercenaries in which officials of the South African Government and South African nationals appeared to be implicated, either directly or indirectly. While the current policy of the South African Government can be credited with major changes aimed at the elimination of the apartheid regime, it is important to cite the criminal acts which, according to the reports submitted, illustrate a deliberate, systematic policy of human rights violations and attacks on the right of various peoples to self-determination. The democratization begun in South Africa by the Government of President F. W. de Klerk will, inter alia, have to be bolstered by a keen awareness which neither conceals nor denies the disastrous mistakes of the past; that is the only way to avoid the danger of repeating them in the future.

85. In sections B and C of this chapter, the Special Rapporteur has referred to South African officials and nationals resorting to mercenary activities as a means of impeding the self-determination of the Angolan and Mozambican peoples. It should be pointed out that officials of the South African Government were also accused of resorting to mercenary activities in order to impede the right of the Namibian people to self-determination. Battalion 31, a special non-conventional unit of SADF, established on the border of Namibia and Angola with mercenaries of Angolan, Canadian, Chilean, United States and Zimbabwean origin and from various Western European countries, carried out various military operations against Namibian resistance to South African occupation. Another special non-conventional unit of SADF, Battalion 32, was also involved in military operations against the right of the Namibian people to self-determination. Known as the "Buffalo battalion", it was organized secretly in the north of Namibia with mercenary elements from Holden Roberto's Frente para la Libertação de Angola, which was demobilized in 1975.

86. In organizing Battalions 31 and 32 with mercenaries, SADF opted to assign higher-risk or particularly cruel military operations to special non-conventional units of the army acting in concert with the regular forces.

87. South African officials were also accused of recruiting members of the Bushmen ethnic group of Namibia as mercenaries, taking advantage of their dire poverty and marginal status. These mercenaries were trained, used and

financed by South African authorities in order to carry out operations in various countries of southern Africa.

88. Mercenaries of Israeli origin were also recruited, used and financed, according to reports, by officials of the South African Government. These mercenaries participated in what was known as "Operation Safari", carried out in 1976 in Namibia against members of SWAPO.

89. Between 1980 and 1985, SADF military bases installed in the territory of Namibia were used as mercenary training camps. In 1986, a mercenary of French nationality, detained in Cabilda in the north of Angola, confessed to having been commissioned by the South African Government to sabotage and destroy bridges in Namibian territory. This mercenary, recruited, used and financed by South African authorities, was sent to Mozambique one year after his detention in a prisoner exchange. Two mercenaries of Netherlands and Swedish nationality, respectively, confessed that they had been recruited, used and financed by South African authorities after being detained for breaking into the SWAPO office in London and stealing documents.

90. South Africa also masterminded the use of mercenaries to commit acts of terrorism and sabotage in the territories of Botswana and Lesotho; to commit acts of terrorism in Swaziland and Zimbabwe; and to launch commando attacks in Zambia.

91. SADF also recruited mercenaries in Zimbabwe between 1980 and 1985. Some of them were former members of "Selous Scouts" and "Special Air Services" organizations and were detached to Battalion 32, the secret "Reconnaissance Units", "Brigade 44" of the "Pathfinder Company", and to military units in the bantustans. The former commander of the "Selous Scouts" organization, Colonel Ron Reid-Daly, was subsequently appointed Commander-in-Chief of the Transkei Army in 1981.

92. Members of SADF and the National Intelligence Service of South Africa also appear to have organized, planned and carried out a mercenary invasion and attempted coup d'état in Seychelles in November 1981. Among the mercenaries recruited for the operation were Mike Hoare, a resident of South Africa, whose background includes mercenary activities in Zaire; Peter Duffy, who also operated in Zaire; Jeremiah Puren, a retired South African Air Force officer; Martin Dolinchek, an agent of the National Intelligence Service of South Africa; and two United States citizens, Barry Gribben and Charles Dukes. It was pointed out that a number of the mercenaries who carried out the operation went unpunished. Officials of SADF and the National Intelligence Service who took charge of mercenary recruitment were not punished either.

93. Officials of the South African Government apparently also provided financing to nearly 30 mercenaries of French and Belgian origin, who were part of the presidential guard of the former President of the Comoros, Ahmed Abdullah Abderemane. These mercenaries, led by Colonel Bob Denard, staged a coup d'état on 26 November 1989, resulting in the death of President Abdullah. The alleged reason for doing so was that the Comoros was a supply base for Mozambican rebels from RENAMO.

94. It seems that the South African authorities were also implicated in granting Bob Denard authorization to leave South African territory, despite the existence of a detention order issued against him in 1988 by a French court for the crime of unlawful association and charges that he assassinated President Abdullah. According to statements by the Minister for Foreign Affairs of South Africa, Mr. R. F. Botha, made on 4 December 1989, Denard was granted temporary residence in South Africa pending the outcome of negotiations on his return to France. Moreover, according to a letter dated 12 September 1990, addressed to the Special Rapporteur by the Permanent Representative of South Africa to the United Nations Office at Geneva, the Comoros officially requested South Africa to allow Colonel Denard to continue residing temporarily in South Africa. When the matter was referred to the French authorities, they expressed the same opinion, according to reports.

95. The Special Rapporteur has also received various reports concerning the presence of mercenaries in SADF and in the South African police during one of the most violent periods in the implementation of apartheid. According to information from the South African Ministry of Defence, in 1982 there were 2,000 foreigners in SADF. From 1980 to 1982, SADF recruited Chilean and Israeli mercenaries through various international networks, including the Soldier of Fortune organization.

96. From November 1980 to January 1982, Brigade 44 of the Pathfinder Company was made up entirely of mercenaries. From 1980 to 1985, Battalions 31, 32 and 201 of SADF and the secret reconnaissance units of the South African army also had mercenaries among their members.

97. The Special Rapporteur was recently informed by reliable sources that during the 1980s, the Civil Cooperation Bureau (CCB), a unit of the SADF Special Forces, the so-called "UNIT C1", a South African police squad based at Vlakplaas, near Pretoria, and the Security Department of the Johannesburg City Council were recruiting, financing, training and using mercenaries as part of their policy of defending apartheid and harassing the countries of southern Africa. In his testimony before the Harms Commission, the Chief of the Special Forces, Major-General Eddie Webb, stated that CCB had 139 members and a larger number of people who were members without knowing it. It has an annual budget of $11 million, according to a statement made before a parliamentary budget committee on 7 March 1990 by the former Chief of SADF, General Jannie Geldenhuys. Its objective is to terrorize radical leftists by means of violence and intimidation, as Brigadier Floris Mostert stated before the Harms Commission. CCB was responsible, as the Chief of Staff of Military Intelligence, General Witkop Badenhorst, admitted before the Harms Commission, for a bomb attack on the Early Learning Centre at Athlone which did not cause any deaths. It is also said to have been responsible for the murders of Dullah Omar, a prominent opposition lawyer, of the journalist Gavin Evans and of Anton Lubowski, who was murdered at Windhoek.

98. Moreover, UNIT C1, a South African police squad, was allegedly responsible for the murder of the lawyer, Griffiths Mxenge, according to information obtained from one of its members, Butana Almond Nofomela, a police

officer, in November 1989. This officer confessed that he had also taken part in seven other murders and in many kidnappings. The details of Nofomela's confession were confirmed by another member of UNIT C1, Police Captain Johannes Dirk Coetzee, in an interview which he granted on 17 November 1989 to the newspaper Die Vrye Weekblad from his exile in Mauritius. Coetzee was a local commander of UNIT C1. Its top leader was Brigadier Willem Schoon. UNIT C1 is alleged to have been responsible for the murders of the following persons: African National Congress (ANC) members Zakhele Nyanda and Keith McFadden in November 1983 at Manzini, Swaziland; Sizwe Kondile, a university student and a member of ANC, after he had been detained by the police in Lesotho; and two ANC members known as "Vusi" and "Ghost", after they had been kidnapped in Maputo, Mozambique, in 1980. It should be noted that, according to Coetzee's statements, UNIT C1 also recruited, used, financed and trained former ANC members, known as "Askaris", to carry out their illegal activities.

99. The Security Department of the Johannesburg City Council allegedly also carried out illegal activities through the recruitment, financing and use of mercenaries. According to testimony before the Hiemstra Commission, the Department was responsible for the murders of David Webster, a member of Five Freedoms Forum (FFF), an anti-apartheid organization, on 1 May 1989 and Ian Mullen, also a member of FFF, who died in a fire at his home one month after Webster's assassination, for acts of intimidation against Soweto youths and for setting fires in Yeoville, a suburb near Johannesburg. The Security Department was headed by Major Frik Barnard, a military intelligence officer.

100. The accusations against the South African Government with regard to the recruitment, financing, use and training of mercenaries relate both to actions to prevent the full exercise of the right to self-determination of the peoples of Angola, Botswana, Lesotho, Mozambique, Namibia, Seychelles, Swaziland, Zambia and Zimbabwe, and to the use of violence against black South Africans who are opposed to the apartheid system and who live both within and outside South Africa. As he pointed out in his most recent report to the Commission on Human Rights (E/CN.4/1991/14, para. 54), the Special Rapporteur believes that there is a cause-and-effect relationship between the policy of apartheid, which in itself constitutes a system of racial segregation whereby rights are granted to some (whites) while being denied to others (blacks), and the violence which constantly recurs within South African territory, as well as in the neighbouring countries and in other areas in which an organized anti-apartheid resistance movement has always existed.

101. Those responsible for the murder of Dulcie September, the ANC representative in France, Luxembourg and Switzerland, which occurred in Paris on 29 March 1988, are alleged to have been mercenaries, as revealed by a Swedish mercenary, Herman, to ANC representatives in Zimbabwe. Furthermore, a mercenary who was a national of New Zealand attempted to place a bomb in the residence of Thabo M'Beki, the ANC Information Director, in Lusaka, Zambia, in 1986. He was detained and, having confessed that he was working for the South African Government, was sentenced to 18 months in prison. Those who carried out an attack against a South African lawyer, Albie Sachs, who lost an arm

when a car exploded at his house in Maputo, Mozambique, are also alleged to have been mercenaries.

102. In March 1988, a group of mercenaries recruited, financed and used by the South African Government carried out an attack on a farm inhabited solely by civilian members of ANC, 40 kilometres from Quela in northern Angola. Sixty-seven people died in the attack. Those who made an attempt on the life of Godfrey Matsope, the ANC representative in Belgium, in March 1988, were also mercenaries.

103. The Special Rapporteur also deems it necessary to refer to the recruitment, financing and use of mercenaries by various racist organizations opposed to the current process of abolishing apartheid, relaxation of tensions and promotion of national reconciliation which is being carried out by President de Klerk. Many of these organizations were formed recently, in 1990, and are characterized by the use of violence in an attempt to frustrate the process of abolishing apartheid and to suppress the rights and fundamental freedoms of the black population. The following is a list of some of the main such organizations: Commandos of the Afrikaner Resistance Movement (AWB); Aquila; the White Freedom Movement (BBB); the White Front (BF); White Security; the Flamingos; the Boere-Weerstandsbeweging (BWB), allegedly the armed wing of the Boer State Party (BP); the Boer Freedom Movement (BVB); the Boer Resistance Movement (BWB); Brandway; the Congregation of Chosen People; the Bonnet Commando; Power Action Afrikaner Nationalism (MAN); the Odal Clan; the Order of the Boer People; the Order of Death; the World Apartheid Movement; the Wit Boereleer; the White Freedom Army; the White Commando; and the White Wolves.

104. White Security (Blanke Veiligheid) has approximately 4,000 members and three aircraft, with which it flies over the nearby black township of Thabong, in the Orange Free State. It is said to have been responsible for the deaths of two persons in Welkom, where it has imposed a curfew on blacks, beginning at dusk. One of its founders, Hendrik Steyn, a former sergeant-major in SADF, was convicted of placing a bomb in the headquarters of the National Union of Mineworkers on 9 June 1990.

105. Another organization, Wit Boereleer, claimed responsibility for placing a bomb on 6 July 1990 at a bus and taxi station in Johannesburg used primarily by blacks. Twenty-seven people were injured in the explosion.

106. AWB allegedly recruited a former Nazi SS commander to carry out an assassination attempt against President de Klerk and ANC President Nelson Mandela in June 1990.

107. Two members of the Order of Death, Cornelius Lottering and Fanie Goosen, were sentenced to 24 and 13 years in prison, respectively, for, among other crimes, placing a bomb in the apartment of Jani Allen, a columnist for the Sunday Times. Lottering was also convicted of murdering a taxi driver, Pototo Makgalomolo, on 29 August 1989. In his deposition, Lottering stated that he had committed the crimes for his people and as acts of war. He added

that he had killed the taxi driver because he was black and therefore, his natural enemy.

108. It should be noted that the self-styled World Apartheid Movement recruited, financed and used the services of a Belgian mercenary, Jean Bultot, as an instructor in the use of military weapons.

109. In April 1990, a group of soldiers, acting irregularly under the command of a leader of the far right, Piet Rudolph, stole a large shipment of weapons and ammunition from the air force headquarters in Pretoria. Only two weapons were recovered.

110. Moreover, the Special Rapporteur has received information indicating that the Ku Klux Klan, another racist organization, had set up a chapter in South Africa in 1990. Many members of the Order of Death are said to have joined this organization.

111. On 22 June 1991, a meeting was held at Sandton, Johannesburg, between representatives of the Government, ANC, the Pan Africanist Congress of Azania (PAC) and the Inkatha Freedom Party, with a view to establishing a preparatory committee to draw up proposals for putting an end to the acts of violence and restoring peace. It was the first time that the principal figures on the South African political scene had met to discuss ways of putting an end to the violence affecting the country. It was also the first occasion on which members of the Government and of PAC had met officially. Only the representatives of the racist organizations were absent. The meeting was sponsored by the churches.

112. In 1991, the South African Parliament and the Government adopted measures leading to profound changes in the legal system with a view to the total abolition of apartheid. On 5 June 1991, Parliament repealed the Land Acts, which had led to the forced displacement of nearly 3.5 million blacks and the expropriation of their land. On the same date, Parliament abrogated the Group Areas Act, of 1950, which assigned a specific place of residence to citizens on the basis of their race. By 1984, according to official information, this Act had resulted in the expulsion of 126,000 families who lived in an area assigned to another racial group. Subsequently, on 17 June 1991, Parliament repealed the Population Registration Act, which classified persons from birth according to their race and which had implications for all civil transactions and contracts. The Repeal Act entered into force on 30 June 1991. Previously, individuals were classified as whites, Asians, Indians, Cape Coloureds, other Coloureds, Malays, Griquas and other racial categories. There was also the strange category of "honorary whites" which was generally granted to diplomats and businessmen. These legislative reform measures involved the repeal of three Acts which had constituted the legal pillars of the apartheid system. In this way, they continue the legislative process begun on 15 October 1990 when Parliament abrogated the Reservation of Separate Amenities Act.

113. On 21 June 1991, Parliament amended the Internal Security Act of 1982, reducing to 10 days the period in which an individual can be detained without being brought before a court. Formerly, the police could legally detain an individual in secret for an indefinite period, which generally ranged from a few days to more than three years. On the same date, Parliament authorized pro-communist propaganda, thus following up the legalization of the South African Communist Party in February 1990. At the same time, the South African Government released approximately 1,000 political prisoners. Another 1,000 persons, who were deemed by the Government to be common prisoners and by ANC to be political prisoners, are still in detention.

114. The mere announcement of the Government's intention to promulgate these measures prompted a strong reaction from members of the Conservative Party and racist organizations. The spokesman for the Conservative Party, Ferdi Hartzenburg, stated on 3 February 1991 that his party would go into action to fight for the survival of the white people. On 27 February, Gawie Volschenk, regional commander of the far-right organization AWB, announced the formation of a new, even more radical organization, the Boer Commando, which would lead an uprising of the Boer nation to defend its land. In June 1991, Jan Hoon, a Conservative member of Parliament, stated in an address to Parliament that those whom he represented would rather die than give up their land.

115. The Special Rapporteur deems it necessary to reaffirm that mercenary activities in southern Africa will disappear only when the States which make up this region fully exercise their sovereignty, when their peoples are guaranteed that they can exercise their right to self-determination and when their citizens fully enjoy human rights and fundamental freedoms. The abolition of the apartheid system in South Africa must mean an end to the use of repressive methods to impose racist policies and, in this context, an end to the practice of fomenting mercenary activities.

V. EVOLUTION OF THE CONFLICT IN CENTRAL AMERICA

116. In his third, fourth and fifth reports (E/CN.4/1989/14, A/44/526 and annex and E/CN.4/1990/11), the Special Rapporteur analysed the presence of mercenary activities in Central America based on reports submitted by the Government of Nicaragua. The Special Rapporteur reported that there were a number of organizations which were responsible for recruiting and training mercenaries to fight side by side with the so-called "Nicaraguan resistance" (contra) - such as the Civilian Military Assistance (CMA), founded in July 1983 by Thomas Posey, a former member of the Ku Klux Klan, Brigade 2506 and Frank Camper's Recondo Military Training School - and also other organizations which were responsible for collecting funds to finance mercenaries, such as the World Anti-Communist League (WACL). He also listed a number of mercenaries who had participated in the Nicaraguan conflict, including John Hull, a United States citizen who had acquired Costa Rican nationality; Luis Posada (whose pseudonym was Ramón Medina), a Cuban resident in Miami; René Corvo; Dana Parker Jr.; James Powell III; the Englishmen

David Walker, John Davies and Peter Glibbery; the Frenchman Claude Sheffard; and also Steven Carr and Robert Thompson.

117. Although the main centre of the conflict in Central America was Nicaragua, the region also suffered as a result of the rebellion by the Frente Farabundo Martí para la Liberación Nacional (FMLN) against the Government of El Salvador and the civil strife in Guatemala. The five countries of Central America were affected to varying degrees by the armed violence which devastated the region and turned it into a peripheral area of super-Power confrontation during the last phase of the "cold war".

118. The Special Rapporteur noted with satisfaction the Esquipulas II Agreement for peace in Central America which was signed by the five Central American Presidents in Esquipulas, Guatemala, on 7 August 1987; this Agreement initiated a procedure for ending foreign intervention in the region through assistance to irregular forces or insurrectionist movements; established that no State Party would permit its territory to be used to launch acts of aggression against another State Party; set up security, verification and control mechanisms and established national reconciliation commissions and mechanisms for dialogue within each country. This Agreement is a milestone on the road towards achieving peace in the region and guaranteeing full exercise of the right to self-determination of its peoples.

119. The procedure initiated by the Esquipulas II Agreement continued with the signing of the following agreements: La Garita de Alajuela, Costa Rica, in January 1988; Costa del Sol, El Salvador, in February 1989; Tela, Honduras, in August of that same year; San Isidro de Coronado, Costa Rica in December 1989; Montelimar, Nicaragua, in April 1990; and Antigua, Guatemala, in June 1990. The United Nations contributed to their implementation through the International Support and Verification Commission (CIAV) and the United Nations Observer Group in Central America (ONUCA). The most recent expression of this procedure of pacification, cooperation and integration in Central America is the meeting of the five Heads of State of the region which took place in San Salvador on 17 and 18 July 1991. At that time, the Central American Presidents strongly condemned terrorism and acts of destabilization against democratic processes and the use of violence as a means of achieving political objectives.

120. The Special Rapporteur must report that he has not received further reports regarding the presence of mercenaries in Central America. As has been pointed out in paragraph 20 of this report, the Government of Nicaragua communicated officially to the Special Rapporteur on 16 January 1991 that "the causes that gave rise to the military conflict [and] provoked its charges that mercenaries were being used against its territory and its inhabitants have ceased to exist and thus it deems it advisable to ask the Special Rapporteur to withdraw the charges submitted to him on the matter".

121. Nevertheless, other countries of the region remain affected by internal armed conflict: that is true of the armed political violence which continues to take place in Guatemala and the continuation of the civil strife in

El Salvador. It is worth mentioning the mediation efforts made in that country by the Secretary-General of the United Nations who is directing a process designed to put an end to the armed conflict. As a result of this process, the Government of El Salvador and FMLN reached agreement on the promotion, protection and safeguarding of human rights on 26 July 1990 in San José de Costa Rica. In implementation of this Agreement, on 26 July 1991, the human rights component of the United Nations Observer Mission in El Salvador, which was established by the Security Council on 20 May 1991, began operations in El Salvador. This is the first time that the Organization has set up an office in a country with a view to monitoring in situ observance and promotion of human rights.

122. The Special Rapporteur also feels it necessary to draw attention to the meetings which took place in Oslo, El Escorial, Ottawa, Quito, Metepec and Atlixco between representatives of the Government of Guatemala and of the armed opposition movements of that country with a view to bringing the armed conflict to an end and intensifying the democratic process.

123. At the same time, the Special Rapporteur considers that the investigations carried out in 1991 by the Costa Rican Legislative Commission into the "La Penca attack" on the former guerrilla fighter Edén Pastóra, are a clear illustration of recourse to the practice of mercenary activities during the unfolding of the conflict in Central America. The proof which the Legislative Commission gathered on mercenary participation should serve to enable the international community to reiterate its rejection and condemnation of such practices, which are used to violate the right of peoples to self-determination and to strengthen the legal preventive measures against any type of such activities.

VI. CURRENT STATUS OF THE INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES

124. On 4 December 1989, the General Assembly adopted the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in resolution 44/34. The International Convention confirmed the legal nature of the many resolutions and declarations of the United Nations condemning mercenary activities and affirms, in its preamble, that such activities should be considered as offences of grave concern to all States. Mindful of the fact that mercenary activities are resorted to in order to carry out acts contrary to the general principles of international law, such as the principle of sovereign equality of States, the principle of political independence, the principle of respect for the territorial integrity of States and the right to self-determination of peoples, the International Convention establishes that anyone who recruits, uses, finances or trains mercenaries must be punished by law and possibly extradited.

125. In accordance with the provisions of article 19, the International Convention shall enter into force on the thirtieth day following the date of

deposit of the twenty-second instrument of ratification or accession with the Secretary-General. Its entry into force shall increase and develop cooperation among States to prevent, prosecute and punish anyone who engages in mercenary activities, will contribute to the eradication of such activities and will promote observance of the purposes and principles of the Charter of the Organization. It will also entail a broadening, deepening, greater precision and updating of international regulations on the subject which today are limited to the relevant rules of customary international law and to the provisions of article 47 of Additional Protocol I to the Geneva Conventions of 1949.

126. As of the drafting of this report only three States have completed the procedures leading to the expression of consent to be bound by the new International Convention: Suriname, which signed it on 27 February 1990 and ratified it on 19 August of that year, Seychelles, which acceded to it on 12 March 1990, and Togo, which deposited its instrument of accession on 25 February 1991.

127. On the other hand, the following 15 States have signed the Convention: Germany (20 December 1990), Angola (28 December 1990), Byelorussian Soviet Socialist Republic (13 December 1990), Cameroon (21 December 1990), Congo (20 June 1990), Italy (5 February 1990), Maldives (17 July 1990), Morocco (5 October 1990), Nigeria (4 April 1990), Poland (28 December 1990), Romania (17 December 1990), Ukraine (21 September 1990), Uruguay (20 November 1990), Yugoslavia (12 December 1990) and Zaire (20 March 1990).

128. The Special Rapporteur, in fulfilment of the mandate conferred specifically in operative paragraph 13 of resolution 1990/7 of the Commission on Human Rights, again addressed all States Members of the Organization which have not signed the International Convention, calling on them once again to consider the possibility of acceding to the Convention since that would greatly facilitate its prompt entry into force and enhance its effectiveness in achieving the objective of respect for the sovereignty of States and the right of peoples to self-determination (see para. 27 above).

129. It should not be forgotten that even without the entry into force of the International Convention, States remain bound to act in this matter in accordance with the applicable general principles of international law and the rules of customary international law. The entry into force of the Convention would help with the clear identification of situations with a mercenary component, the trial and effective punishment of persons implicated in such an offence, preventive cooperation between States parties, the clear definition of competent jurisdiction in each case and would facilitate extradition proceedings.

VII. ADVERSE EFFECT ON THE ENJOYMENT OF HUMAN RIGHTS OF ACTS COMMITTED BY ARMED GROUPS WHICH SPREAD TERROR AMONG THE POPULATION AND BY DRUG TRAFFICKERS

130. During its forty-seventh session, the Commission on Human Rights adopted resolution 1991/29, dated 5 March 1991, without a vote. The second paragraph of this resolution requests all special rapporteurs and working groups to continue paying particular attention in their future reports to the adverse effect on the enjoyment of human rights of acts of violence committed by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers. In the above-mentioned resolution, the Commission reiterated its deep concern at the adverse effect which such acts of violence have on the enjoyment of human rights (para. 1); it requested the Secretary-General to continue collecting information on this question from all relevant sources and to make it available to the special rapporteurs and working groups (para. 4) and decided to continue considering the question as a matter of high priority at its forty-eighth session (para. 5).

131. In fulfilment of the provisions of this resolution, the Special Rapporteur must deal with this question, expanding his thematic report on the use of mercenaries. The second preambular paragraph of the resolution states that armed groups that spread terror among the population and drug traffickers frequently act together. To this tie, the Special Rapporteur should add that of mercenary activities, thus establishing a complex criminal association acting in both the internal sphere and the international sphere, creating situations having multiple destructive effects. At the same time, these acts of violence can affect the sovereignty of a State, the stability of a legitimately constituted Government, be detrimental to the right to self-determination of a people, intimidate and subject populations by violence, destroy a country's infrastructure and its means of achieving its economic and social development and, at the same time, contribute to the commission of atrocities and crimes against the right to life, to physical and mental integrity, to liberty and security of persons, to the political rights, and to the economic, social and cultural rights of the members of a nation.

132. As specified in the fourth preambular paragraph of the resolution, the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Covenants on Human Rights. These duties are a corrollary to and a consequence of their rights. Enjoyment of human rights and fundamental freedoms implies intrinsically and essentially the obligation to respect them in the persons of other individuals.

133. At the current stage of development of international law, it has become accepted that States are answerable for the life, liberties and security of individuals, and that they deserve to be denounced and penalized when it is found that have been deliberate and systematic violations of human rights that fall within their responsibility and competence. That is the correct approach, and it should be maintained and strengthened since it is fully consistent with respect for the human individual, the primacy of the

individual over the State, the democratic principles in effect and national and international obligations on the subject. None the less, and without detriment to these requirements, the social and political realities of the modern world, which are more abundant than and always ahead of codified norms, show that there are complex phenomena of growing autonomy in society and that, as part of this autonomy, critical situations of defiance or unlawful competition may arise which may encroach upon the sphere of action reserved for the State. At a given moment in the history of a country, that is to say "here and now", the possibility and obligation of the State to safeguard human rights and fundamental freedoms of individuals may be neutralized and replaced by armed groups which deliberately spread terror among the population by committing atrocities and crimes in an effort to impose their plans.

134. The activity of these armed groups, of the bands of drug traffickers and mercenaries, acting separately or together, is intrinsically illegal and naturally goes against the State as the organized community of a people, defying it, fighting it and seeking to usurp power from it. There are, of course, situations in which the struggle against the State may have a historical and factual basis but, even in such cases, it is unacceptable, from the standpoint of the enjoyment of human rights, that the population should be intimidated and subjugated by terror in order to defy the State and that individuals should be cruelly assassinated, mutilated and tortured, or kidnapped, that they should be subjected to extortion, that entire populations should be prevented from exercising their political right to elect and be elected by the vile means of amputating voters' fingers, that children should be used to carry explosives - children who will die when the bombs go off - that the economic infrastructure and cultural heritage of a people should be destroyed or that the corrupting power of drug trafficking should be used to destroy a country's judiciary and its police, to prevent the holding of religious services and to destroy the citizens' faith in their laws and institutions; these are some of the activities attributed objectively to armed groups which spread terror, drug traffickers and mercenaries in a number of countries.

135. There are some who maintain that compliance with the norms which go to make up the international law of human rights can be required only of States which are parties to the Universal Declaration and to the International Covenants on Human Rights. They state that armed groups that spread terror, drug traffickers and mercenaries have neither signed nor ratified any Covenant. In certain circumstances, according to this school of thought, some armed groups might be under an obligation to comply with certain norms which make up international humanitarian law, codified principally in the Geneva Conventions of 1949 and the Additional Protocols thereto. Over and above such obligations which they had expressly assumed they would have no other limitations on their actions. Those who support this formalistic theory forget that international law is made up of general principles and customary norms, not only by conventional norms and that, just as any individual, by the mere virtue of being an individual, enjoys fundamental rights and freedoms which do not require the prior acknowledgement by the State, so are they bound to respect those same rights and fundamental freedoms in others. They also

forget that the actions of groups that spread terror and those of drug traffickers have a significant adverse impact on the enjoyment of human rights of the nationals of various countries.

136. In accordance with the above approach, the Special Rapporteur has considered the charges filed by the Governments of El Salvador, Guatemala, Peru, the Philippines, and Rwanda with the Centre for Human Rights. He has carefully read the important contributions and developments of theory presented by the Governments of Belgium, Cuba and Mexico and has taken note of the information supplied by the Governments of Benin, Finland, Myanmar, Pakistan, Panama, the Soviet Union and Uruguay. The Special Rapporteur has also learned, from his own sources of the presence of armed groups that spread terror in Afghanistan, Chile, Colombia, France, Iran (Islamic Republic of), Italy, Kuwait, Lebanon, Mozambique, South Africa, the Soviet Union, Spain, Sri Lanka, Turkey and Yugoslavia and also the activities of bands of drug traffickers in Afghanistan, Bolivia, Colombia, Iran, Pakistan, Panama, Peru, Turkey, the United States and in various countries of Western Europe. Finally, because of the topic assigned to him, he knows how mercenaries also work with or form armed groups or work for drug traffickers, thereby establishing criminal associations which have appalling consequences for the full enjoyment of human rights.

137. The Special Rapporteur thinks it necessary to point out that many of the charges concerning action by armed groups that spread terror refer to situations of violence, which had the effect of preventing entire populations from exercising the right to elect their authorities. Such prevention undermines a fundamental political right, one which is, in essence, a basic human right, and it also causes disorder, since it creates a power vacuum that directly affects the very populations which are prevented, by violent means, from voting. Again in such situations the international community must react by reasserting the unrestricted and effective exercise of such political rights and by making it clear to the armed groups responsible that their acts will be condemned and repudiated.

138. The fundamental human rights of individuals, particularly in the poorest sectors, are those which are attacked directly, often with fatal results. The end does not justify the means; this principle applies to all, not only to States. It follows from this postulate that it is for Governments to defend life, order and legality without transgressing or violating human rights. Nevertheless this defence must also be undertaken by the international community and international organizations, with the condemnation of armed groups that spread terror and of gangs of drug traffickers and mercenaries, in that their activities have an adverse effect on the enjoyment of human rights.

139. In the view of the Special Rapporteur, respect for human rights constitutes a universal principle which does not admit of exceptions; States have a primary and non-transferable responsibility in the never-ending task of promoting human rights. Accordingly, they should strive to defend these rights which are immanent in human beings, irrespective of the problems and difficulties of the circumstances confronting them. Non-governmental

organizations should continue to defend human rights, as they have hitherto, and also help to promote a clear understanding of the problems faced in that domain by each separate society, so that States and the international community as a whole, going beyond theoretical debate, may, in those countries beset by extremes of poverty and policies of violence, contribute to the establishment of objective conditions, particularly economic and social conditions, which will allow the effective enjoyment of all human rights.

VIII. CONCLUSIONS

140. The conflict in the Persian Gulf, which followed on the heels of the Security Council decisions authorizing recourse to all means, including military means, to restore the rule of international law in the zone, has not, during the months of 1991 which have so far elapsed, had any repercussions on détente and the quest for settlements in the armed conflicts of southern Africa and Central America. The trend towards the peaceful settlement of conflicts in those zones has continued, with, in some cases, the signing of peace treaties, and, in others, the conclusion of cease-fire agreements while final settlements are being negotiated. Acts involving the use of weapons have ceased or diminished in intensity, with a similar reduction in mercenary activities.

141. In the case of Angola, the Lisbon Accords between the Government of President Dos Santos and the UNITA guerrilla forces, commanded by Jonas Savimbi, have brought an end to a long and bitter armed conflict in which foreign intervention and the use of mercenaries by UNITA contributed to the prolongation and the bloody nature of the conflict. Three months on, the Accords are being respected by both parties, and the provisions relating to the demilitarization of the country, reincorporation into civilian life and the formation of a multiparty democratic system are being implemented, all of which should culminate in general elections in 1992. In this connection, the Special Rapporteur intends to visit Angola during the second half of October 1991.

142. The armed conflict opposing the Government of Mozambique and the RENAMO guerrilla movement has not, to any appreciable extent, followed the same path towards settlement as the conflict in Angola. This conflict, probably the bloodiest in southern Africa, has been characterized by intervention by foreign Powers and the active presence of groups of mercenaries. Negotiations to end the conflict have obtained only partial and short-lived results. Thus, partial cease-fires have been concluded in respect of the corridors linking the ports of Maputo and Beira in Mozambique with Zimbabwe, RENAMO having undertaken to respect the cease-fire in these corridors. Nevertheless, the corridors have been subject to some military attacks by RENAMO, and in areas not covered by the Rome Accord the war has continued, as has the presence of mercenaries.

143. The Special Rapporteur has received information revealing South African civilian and military participation in illegal activities against the

sovereignty and self-determination of the peoples of southern Africa, as well as against the black population of South Africa. Mercenaries have repeatedly been used to engage in various forms of criminal aggression in order to impose, consolidate and protect the racist policy of apartheid, restrict the freedom of the African peoples and prevent the elimination of racial discrimination. This policy has begun to be dismantled since the installation of the Government of President de Klerk, which began a process of democratization and détente and the repeal of apartheid, a development that has awakened positive expectations in the South African people and the international community.

144. Among the more important measures for the promotion of peace in South Africa, mention should be made of the meeting at Sandton, in Johannesburg, held in June 1991, between representatives of the Government, ANC, PAC and the Inkatha party, with the aim of constituting a preparatory committee responsible for formulating proposals to end acts of violence and restore peace. The most important measures, however, are those adopted by Parliament, repeal of the Land Acts of 1913 and 1936 and the Group Areas Act, both of which were repealed on 5 June 1991. Subsequently, on 17 June, the Population Registration Act was also repealed. These three acts, now repealed, constituted the legal pillars of the apartheid regime. At the same time the Internal Security Act, under which individuals could be detained for an unlimited period, has been amended, and approximately 1,000 political prisoners have been freed.

145. Such measures indicate that the process of dismantling and repealing apartheid is continuing and that the demands for democratization raised by political organizations, particularly ANC, are gradually being acceded to, although as yet there is no direct participation in the process on terms of equality. It would, nevertheless, be a mistake to conclude that there is no risk of the process being reversed. Various groups within the white minority population have constituted themselves as racist organizations and have set up paramilitary teams, including mercenaries, to oppose democratization by violent means and to defend apartheid. Moreover mistrust and tension between various ethnic groups within the black population have continued, at times leading to armed confrontations. The situation is thus fluid, requiring careful monitoring of the continuation of the process by the international community, together with the maintenance of pressure and the anti-apartheid measures adopted by the United Nations, until the rejected system of apartheid is totally and completely eliminated and replaced by a fully democratic system guaranteeing the full and effective enjoyment of human rights.

146. The peace process in Central America has continued to progress, the periodic meetings of Presidents in order to assess situations and adopt agreements to promote peace, cooperation and Central American integration having proved to be an effective mechanism. The implementation of these agreements has brought an end to the armed conflict in Nicaragua, as well as to its repercussions in Honduras and Costa Rica. As a result, reports of foreign intervention and the presence of mercenaries in the region have also ceased. In El Salvador, on the other hand, the political and military

conflict opposing the Government of El Salvador and the FMLN guerrilla movement is continuing. Nevertheless the negotiations between the two parties, as a result of mediation by the Secretary-General of the United Nations, represents a significant achievement. One concrete result of this dialogue is the establishment in El Salvador of a United Nations observer mission, ONUSAL, whose human rights component began operations on 26 July 1991. In conclusion, there is every indication that the intensity of the military conflict has lessened. The Special Rapporteur has not received any new report of mercenary activities in El Salvador.

147. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries needs to be ratified or acceded to by 22 States in order to enter into force. However, to date only three States, Suriname, Seychelles and Togo, have completed the process of becoming Parties to the Convention. Further, only 15 States have signed the Convention. It may thus be concluded that there is some delay in securing the ratifications and accessions necessary for the entry into force of the Convention, a factor which is impeding cooperation among States in preventing, prosecuting, punishing and eradicating mercenary activities.

148. With respect to resolution 1991/29 of the Commission on Human Rights, on the adverse effect on the enjoyment of human rights of acts committed by armed groups that spread terror among the population and by drug traffickers, the Special Rapporteur has carried out the Commission's instructions, seeking both to enrich theoretical consideration of the universal obligation, not simply of States, to respect the full and effective exercise of human rights, and to review the existing body of reports, which reveals a dangerous tendency towards acts by armed groups, drug traffickers and mercenaries which, by themselves or together, are spreading terror among the population and impairing the enjoyment of human rights and fundamental freedoms.

149. There is no question that the State has the primary obligation to respect, protect and defend human rights, without infringing upon them even in situations in which its authority is not recognized by groups taking up arms against it and against society. But this obligation to respect the rights and fundamental freedoms of individuals extends to all individuals and groups. Those who take up arms against the State are not exempt from the obligation to respect human rights, and it is even more cruel and contradictory when such groups, with ideological pretensions to a better State and society, engage in terror and intimidate populations by means of the cruel murder, torture, enforced disappearance and kidnapping of persons, and destruction of the economic infrastructure or cultural heritage of the people, or when the political right to elect or to be elected is impaired by violent means, and when religious beliefs, cults and practices are infringed upon by criminal acts.

150. The Special Rapporteur's study of reports received in the Centre for Human Rights and of those he has received directly leads to the conclusion that the existence of groups that spread terror and groups of drug traffickers and mercenaries acting alone, at the behest of third parties or in association

with terrorist groups, clearly constitutes a form of violence which has undergone an alarming increase in recent years. Colombia, Peru, the Philippines and Sri Lanka are the countries most generally mentioned with reference to activities by such groups that adversely affect the enjoyment of human rights, but these groups are also engaged in spreading terror in countries such as Spain, France and Italy and also in countries such as India, Myanmar, Pakistan, the Soviet Union and Yugoslavia. That is, the adverse effect on the enjoyment of human rights and fundamental freedoms of the activities of armed groups that employ terrorist practices and of drug traffickers and mercenaries is evident not just in one region or in a particular country, but everywhere, affecting humanity as a whole.

IX. RECOMMENDATIONS

151. The following recommendations are based on information received and the analysis and conclusions put forward by the Special Rapporteur in the preceding chapter.

152. With international détente and the end of the so-called cold war, conditions are emerging in which a negotiated political settlement of conflicts and the establishment of an international order favourable to understanding, cooperation for development, and peace may be expected. Such a context is propitious to the strengthening of the principles of sovereignty and the self-determination of peoples. Accordingly, the Special Rapporteur recommends the reiteration of the positions taken by the United Nations against mercenary activities. Further, taking into account the fact that there is a supply of mercenaries willing to involve themselves in conflicts, it would be advisable to formulate specific provisions and agreements, so that at the level of international law and national legislation preventive measures can be adopted alongside punitive measures severely punishing mercenary activies, whether direct or indirect or ancillary.

153. Reiterating the proposals in his report to the Commission on Human Rights (E/CN.4/1991/14, para. 176), the Special Rapporteur recommends that United Nations organs suggest to Member States that, they include in their domestic legislation provisions defining the recruitment of mercenaries as an offence and that States regard as aggravating factors the training of mercenaries within their territory and the involvement of mercenaries in concurrent acts, such as trafficking in arms, drugs and currency, and that States should facilitate extradition when their nationals are sought by a victim State on the basis of their proven involvement in mercenary acts against the self-determination of its people, its sovereignty and the constitutional stability of its Government.

154. On the basis of the many resolutions adopted by the General Assembly in its endeavour to condemn, combat and eradicate mercenary activities, it would be advisable to update the criterion applied, so as to include within the concept of mercenary activity, not only those who engage directly in such activity but also those who sponsor it through the recruitment, financing,

training and use of mercenaries. In this connection, the Special Rapporteur recommends that it should apply to anyone, whether an individual or a body corporate, and also suggests that indirect intervention, covert operations and assistance to a party in conflict against the authority of the legitimate and constitutional government be condemned.

155. With the conclusion of peace accords between the Government of Angola and the UNITA guerrilla movement under the auspices of the United Nations and OAU, and taking into account the fact that the lengthy duration and particularly bloody nature of the conflict were due in part to foreign intervention and the presence of mercenaries, condemnation of this type of activity should be reiterated as a preventive measure, and the right of the Angolan people to the full enjoyment of their sovereignty, self-determination, democracy and development should be guaranteed. At the same time close attention must be paid to compliance with the accords and to the UNAVEM II operation, involving personnel of the United Nations Angola Verification Mission, the aim of which is, in fact, to monitor implementation of the peace accords.

156. In view of the conflict situation still prevailing in Mozambique, it is recommended that support for the peace endeavours and negotiations between the Government of Mozambique and RENAMO be intensifed, so that the cease-fire agreements reached in respect of some corridors may be extended to other areas of the territory of Mozambique and effectively implemented. This recommendation must take into account the fact that the continuation of the armed struggle in Mozambique is being promoted from outside the country, a situation which has resulted in the presence of mercenaries engaged in intensive criminal activity in Mozambique.

157. Various sources have drawn attention to the repeated intervention by South African civilian officials and the military in criminal acts in violation of the sovereignty and self-determination of the peoples of southern Africa, including the black population of South Africa. These same sources confirm that this criminal interventionism, which specifically includes mercenary activities, has been conducted further to a decision by the South African authorities to impose and defend the apartheid regime by any means, including their illegal use of force. These acts have resulted in repeated condemnation and sanctions by the United Nations. Accordingly, and even though the policy of apartheid is being repealed and dismantled by the Government of President de Klerk, it is recommended that the Government of South Africa be approached and its attention be drawn to the appropriateness of conducting exhaustive inquiries into the criminal acts perpetrated within and outside South Africa in connection with the maintenance of the apartheid regime and the violation of the sovereignty and self-determination of other peoples. It is also recommended that particular emphasis be placed on the need to investigate and punish by law the bands of mercenaries and paramilitary personnel that have participated in proven criminal acts, and a call should be made for an end to political and police protection for mercenaries on South African territory.

158. Taking into account the policy of dismantling apartheid being implemented by President de Klerk, as evidenced by the legal measures recently taken to repeal the legal bases of the regime and the movement towards democratization and political pluralism in South Africa, it is recommended that encouragement be given to that process within a context of broad support for the right of the South African people as a whole to freedom and to legal, political, social and economic equality without any discrimination whatsoever. At the same time it is suggested that emphasis be placed on the risks and dangers of the current process being reversed as long as racist organizations are permitted to be established and to carry out activities, including the formation of paramilitary groups and the contracting of known mercenaries. Accordingly, measures taken at the international level against apartheid should be maintained until the current process of democratization and détente is fully consolidated and the apartheid regime is completely dismantled and a genuinely democratic system is established.

159. Since the peace process initiated by the Esquipulas II peace agreement has developed favourably in Central America, it is recommended that the process be firmly supported until the final goal of ending the remaining conflicts in the region - such as the conflict in El Salvador - is attained. At the same time all measures relating to friendship, cooperation, integration and development of the Central American region as a whole should be supported and promoted.

160. In connection with the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, it is recommended that all Member States be urged to consider ratifying or acceding thereto. The minimum number of 22 States parties required for the Convention to enter into force and become effective is still far from being attained. The Convention is an essential instrument for ensuring the security of peoples and their freedom from mercenary activities which threaten their sovereignty and right to self-determination.

161. With regard to resolution 1991/29 of the Commission on Human Rights, which calls for studies and findings on the adverse effect of the activities of armed groups that spread terror and of drug traffickers on the enjoyment of human rights, the Special Rapporteur has concluded, following an analysis of the issue and a review of a number of reports, that there are, indeed, groups that have been identified with illegal and illegitimate practices, including the use of terror to intimidate individuals and populations, causing grave harm to human rights and fundamental freedoms. In this connection the Special Rapporteur recommends that the relevant organs of the United Nations continue to consider the issue as a matter of high priority and to intensify their consideration until finding the most appropriate legal framework and punitive measures to be applied under international and domestic legislation against groups that spread terror among populations. The Special Rapporteur also recommends that consideration be given to reminding Member States and intergovernmental and non-governmental organizations that respect for human rights is a universal principle, which does not admit of any exceptions, the defence of which is a primary obligation of States. Equally, organizations in

society at large must contribute to the full and effective exercise of human rights by promoting collective awareness, with the vigorous rejection of policies of violence, these being the primary cause of disregard for human rights in the name of policies which proclaim an alternative and better form of justice.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/460
12 September 1991
ENGLISH
ORIGINAL: FRENCH

Forty-sixth session
Item 20 of the provisional agenda*

ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

Letter dated 12 September 1991 from the President of the Security Council addressed to the Secretary-General

I have the honour to request you to transmit to the General Assembly at its forty-sixth session the following resolutions concerning the admission to membership in the United Nations of the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania which the Security Council adopted without a vote at its 3007th meeting on 12 September 1991:

A. Resolution 709 (1991):

"The Security Council,

Having examined the application of the Republic of Estonia for admission to the United Nations (A/46/411-S/23002),

Recommends to the General Assembly that the Republic of Estonia be admitted to membership in the United Nations."

B. Resolution 710 (1991):

"The Security Council,

Having examined the application of the Republic of Latvia for admission to the United Nations (A/46/412-S/23003),

Recommends to the General Assembly that the Republic of Latvia be admitted to membership in the United Nations."

---

* A/46/150.

C. Resolution 711 (1991):

"The Security Council,

Having examined the application of the Republic of Lithuania for admission to the United Nations (A/46/413-S/23004),

Recommends to the General Assembly that the Republic of Lithuania be admitted to membership in the United Nations."

I should like to recall that, when it adopted the above-mentioned resolutions, the Security Council decided to invoke the provisions of the last paragraph of rule 60 of its provisional rules of procedure in order to make its recommendation to the General Assembly at its forty-sixth session.

In accordance with the second paragraph of rule 60 of the Council's provisional rules of procedure, I also request you to transmit to the General Assembly at its forty-sixth session, for information, the verbatim records of the 3006th and 3007th meetings of the Security Council, at which the applications for membership submitted by the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania were examined.

(Signed) Jean-Bernard MERIMEE
President of the Security Council